

Richard P. v. School District

A000000261
Charlise Moore

March 18, 2005

<p>1 that's who it's to. It's from Marlene Chrisman.</p> <p>2 A. Um-hum.</p> <p>3 Q. Who is Jo Barker?</p> <p>4 A. Mrs. Barker is the director of elementary/middle</p> <p>5 school programs.</p> <p>6 Q. And so she would be -- well, she would be the</p> <p>7 director of all of those programs --</p> <p>8 A. The principals in the elementary and the middle</p> <p>9 schools. And also she had the -- she was managing the Sarah</p> <p>10 Reed -- the big Sarah Reed umbrella.</p> <p>11 Q. Now, in this memo -- there's one for each of</p> <p>12 R [REDACTED] and K [REDACTED]. And the memo says that, "Since they</p> <p>13 are under age 14, they are not eligible for the adolescent</p> <p>14 partial program." Do you know what program that is?</p> <p>15 A. The partial program is the mental health -- high</p> <p>16 school mental health program.</p> <p>17 Q. And she indicated that they were not eligible for</p> <p>18 that program?</p> <p>19 A. Um-hum. She did. That's what this memo says.</p> <p>20 Q. Right. And it also indicates that -- this, again,</p> <p>21 sort of points to the fact that it was Mr. Scozzie who</p> <p>22 instigated this move; is that right? "It's my understanding</p> <p>23 that Mr. Scozzie would like the girls to begin this</p> <p>24 placement as soon as possible."</p> <p>25 A. That's what she has written here. "It's my</p>	<p>Page 46</p> <p>1 "In-home, five days --"</p> <p>2 Q. Yes.</p> <p>3 A. -- then I have the note. I probably connect it</p> <p>4 with that. That's the only thing I can put that with.</p> <p>5 Q. Now, you do have a date on this one, on the</p> <p>6 discipline note.</p> <p>7 A. Um-hum.</p> <p>8 Q. That's 1/11/02.</p> <p>9 A. Yes.</p> <p>10 Q. Now, would it have been Miss Cappabianca who</p> <p>11 requested this change in placement?</p> <p>12 A. It's possible that she did.</p> <p>13 Q. Okay. And then would the -- do the parents have</p> <p>14 to consent to this placement?</p> <p>15 A. Yes, definitely. For someone to come into their</p> <p>16 home.</p> <p>17 Q. Okay. Well, this would be -- would this be</p> <p>18 considered a modification of the girls' IEP, this five-day</p> <p>19 in-home placement?</p> <p>20 A. Well, we would work on their -- the things that</p> <p>21 are in their IEP with them when that person --</p> <p>22 Q. I know that. But what I'm saying is that from the</p> <p>23 point of view of the legal requirements associated with an</p> <p>24 IEP, does this -- does this placement in their home, this</p> <p>25 five-day placement in their home, does that require a whole</p>
<p>1 understanding that Mr. Scozzie would like the girls to begin</p> <p>2 this placement as soon as possible."</p> <p>3 Q. So whose idea was it that the girls would be sent</p> <p>4 home for a week? Was that your idea?</p> <p>5 A. No. There has to be a request from someone. I</p> <p>6 can't recall the request; whether it came directly from</p> <p>7 Mrs. Cappabianca. Because at that time, we always put the</p> <p>8 person who is the administrator in the building dealing with</p> <p>9 students, middle school students, their names on the form.</p> <p>10 Because maybe there -- some places had more than one</p> <p>11 assistant principal working with students, so I would know</p> <p>12 where it came from.</p> <p>13 Q. Okay. So I guess that you had a meeting -- was it</p> <p>14 January 14th -- can you tell by looking at your notes,</p> <p>15 Exhibit 5, the date of your meeting with Mr. Scozzie?</p> <p>16 A. I don't know. This is -- this is my scribble from</p> <p>17 a long time ago.</p> <p>18 Q. It does say -- there's a reference to the dates</p> <p>19 January 14th through 22nd. Do you know what that refers to?</p> <p>20 A. I don't know. Let's see. Well, I do have that on</p> <p>21 this discipline note. That's the beginning of the service</p> <p>22 in-home. So maybe that's what I wrote down. If you look</p> <p>23 at -- see the discipline note, No. 3?</p> <p>24 Q. Right. Yes.</p> <p>25 A. And maybe that's my note for this -- it says,</p>	<p>Page 47</p> <p>1 new IEP --</p> <p>2 A. No.</p> <p>3 Q. -- revision?</p> <p>4 A. No, it doesn't require a revision. Just</p> <p>5 permission for us to do instruction in the home.</p> <p>6 Q. And why doesn't it require a revision?</p> <p>7 A. Because we wouldn't be changing any of the goals</p> <p>8 and objectives on the IEP.</p> <p>9 Q. But you are changing the placement.</p> <p>10 A. That's why we have documentation here. Temporary</p> <p>11 in-home, right here on this one (indicating).</p> <p>12 Q. Right. So there is a temporary in-home evaluation</p> <p>13 placement for --</p> <p>14 A. Um-hum.</p> <p>15 Q. -- K [REDACTED] There might be one for R [REDACTED]</p> <p>16 A. I don't know.</p> <p>17 Q. Well, and I haven't presented it to you, so I</p> <p>18 might not have seen it or maybe it's not in our files. But</p> <p>19 in any event, so that's not -- the one that we have, that we</p> <p>20 have marked as Exhibit 2, is not -- doesn't have the</p> <p>21 parents' signature. Should the parents' signature be on</p> <p>22 that?</p> <p>23 A. The parent should sign it. There's a check, "I</p> <p>24 approve." I don't know if the parent forgot to sign or</p> <p>25 what. Someone can't go in unless the parent gives</p>

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<p>1 permission.</p> <p>2 Q. Okay. Going back to Exhibit 1, I'd like you to</p> <p>3 look at the fourth page of the exhibit. And this is a memo</p> <p>4 to James Piekanski, Supervisor of Special Education, from</p> <p>5 Audrey Pecoraro, child study department. James Piekanski,</p> <p>6 again, he's your boss?</p> <p>7 A. I believe at that time he was Coordinator of</p> <p>8 Special Education.</p> <p>9 Q. Okay. And not a supervisor.</p> <p>10 A. That's correct. I believe at that time he was a</p> <p>11 coordinator.</p> <p>12 Q. And it's from Miss Audrey Pecoraro. And who is</p> <p>13 she again?</p> <p>14 A. Home-school visitor.</p> <p>15 Q. Okay. And she writes that, "The following student</p> <p>16 has been assigned to attend Sarah Reed program at 1020 East</p> <p>17 10th Street." The -- I guess my question is about her use</p> <p>18 of the word "assigned". How do you understand -- do you</p> <p>19 have any idea what she meant when she said "assigned"?</p> <p>20 A. No, I don't.</p> <p>21 Q. Okay. Because it's true that -- is it true or not</p> <p>22 true that the Sarah Reed people would have to conduct their</p> <p>23 own evaluation before accepting this student?</p> <p>24 A. Oh, yeah. They would say whether or not they are</p> <p>25 going to accept the student. You have to do an intake.</p>	<p>Page 50</p> <p>1 on that same page that you're looking at, "Referral to Sarah</p> <p>2 Reed by Marlene/Frank." Do you recall what her role was;</p> <p>3 Marlene Chrisman?</p> <p>4 A. I don't -- Marlene being special ed. supervisor in</p> <p>5 particular, I don't know -- I know what my job was, so I</p> <p>6 don't know what --</p> <p>7 Q. She was doing.</p> <p>8 A. -- she was -- she was supposed to do.</p> <p>9 Q. Okay.</p> <p>10 MR. OLDS: Let's take a little break. You know,</p> <p>11 we might be close to being done here.</p> <p>12 (Recess held from 4:04 p.m. till 4:16 p.m.)</p> <p>13 Q. Maybe just a few more questions here. Do you know</p> <p>14 who Chris Ruhl is, or who he was?</p> <p>15 A. Chris Ruhl was -- I think he worked in the Student</p> <p>16 Assistance Program as a mental health specialist, I think,</p> <p>17 out at the Student Assistance Program.</p> <p>18 Q. Are you aware that he was involved in this process</p> <p>19 of getting the girls, specifically K[REDACTED] from Strong</p> <p>20 Vincent to Sarah Reed?</p> <p>21 A. I don't know if he had information there or -- you</p> <p>22 know, if you're in the SAP program participating, you know,</p> <p>23 the mental health specialists have the information. I don't</p> <p>24 know if that was shared or. I don't know. You know, I</p> <p>25 don't know how much contact he had with them.</p>
<p>1 Q. In this process that, you know, started on</p> <p>2 January -- appears to have started approximately on</p> <p>3 January 11th, when you wrote the discipline note, to</p> <p>4 January 22nd, when -- when apparently they were admitted to</p> <p>5 Sarah Reed, when did Sarah Reed do its evaluation?</p> <p>6 A. I don't know.</p> <p>7 Q. And who would have provided the documentation to</p> <p>8 Sarah Reed to allow it to conduct its evaluation?</p> <p>9 A. Parents sign and give permission for them to do --</p> <p>10 when they do the intake, they get permission from the</p> <p>11 parents to do certain things with students.</p> <p>12 Q. So the parents would go to Sarah Reed --</p> <p>13 A. Oh, yeah, you have to show up face to face at</p> <p>14 Sarah Reed to do the intake.</p> <p>15 Q. Do you know when the intake was? Can you tell by</p> <p>16 the documents that we have looked at when the intake at</p> <p>17 Sarah Reed was?</p> <p>18 A. Intake for R[REDACTED] was scheduled -- if you look on</p> <p>19 Audrey's note, on 443 --</p> <p>20 MR. MARNEN: What exhibit is this?</p> <p>21 MR. OLDS: Exhibit 1, 443.</p> <p>22 A. Exhibit 1, 443, the home-school visitor wrote --</p> <p>23 she wrote, "Intake is scheduled for 1/21/02 at 11:00."</p> <p>24 Q. Okay. What was -- what do you recall Marlene</p> <p>25 Chrisman's involvement in this situation -- because I notice</p>	<p>Page 51</p> <p>1 Q. Did you ask him to do anything? Do you</p> <p>2 remember --</p> <p>3 A. Not that I recall, because I was doing -- I did</p> <p>4 the special ed. piece.</p> <p>5 Q. Okay. In doing the special ed. piece, are you --</p> <p>6 do you have any, I guess for lack of a better word, interest</p> <p>7 in the students' discipline -- in the students acting out in</p> <p>8 their -- you know, matters that pertain to student</p> <p>9 discipline? In other words, student behavior.</p> <p>10 A. The disciplining of students is -- within the</p> <p>11 building is done by the administration in the building.</p> <p>12 They may consult with me about special ed., as I mentioned</p> <p>13 before; special ed. procedure and how to go about different</p> <p>14 paperwork in regards to discipline, you know.</p> <p>15 Q. When a student who is identified as needing</p> <p>16 learning support has persistent discipline issues, behavior</p> <p>17 problems, does that have implications for their special</p> <p>18 education -- well, I guess for their IEP?</p> <p>19 A. It may.</p> <p>20 Q. It may.</p> <p>21 A. It may. I mean, it may be a concern of the</p> <p>22 teacher and/or the administrator about the behavior. Or a</p> <p>23 parent.</p> <p>24 Q. Do you know whether children are referred to Sarah</p> <p>25 Reed because they have behavior problems?</p>

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<p style="text-align: right;">Page 54</p> <p>1 A. As I said, Sarah Reed has a wide range of 2 programs. So it may be behavior, it may be mental health, 3 it may be -- there are a lot of different reasons why a 4 child may be referred to Sarah Reed, because they have a 5 wide range of programs and services.</p> <p>6 Q. And you wouldn't know if an Erie student is 7 referred to Sarah Reed solely for behavioral problems. You 8 might not necessarily know that; is that right?</p> <p>9 A. I only monitor the ones that belong to me.</p> <p>10 Q. Okay. And a special ed. student -- might a 11 special ed. student be referred to Sarah Reed solely because 12 of behavioral problems?</p> <p>13 A. It may be behavioral. It could be behavioral. It 14 could be mental health. It just depends upon the individual 15 student.</p> <p>16 Q. Okay. And have you ever -- where is Sarah Reed 17 located?</p> <p>18 A. Sarah Reed has several programs. Sarah Reed -- 19 our -- the program we're talking about, the classroom 20 program, is located on East 10th Street, past East Avenue. 21 And I don't have the exact number of the -- of the facility. 22 I can't give you the exact address.</p> <p>23 Q. Have you visited it?</p> <p>24 A. Oh, yes.</p> <p>25 Q. So you have been there?</p>	<p style="text-align: right;">Page 56</p> <p>1 what form it took?</p> <p>2 A. I would have to go back and see. I would have to 3 look back.</p> <p>4 Q. What would you look at?</p> <p>5 A. Files. I would probably look back in files and 6 see any specific things that were in their file that related 7 to that, or ask them to let me see if I could have access to 8 their direct treatment plans that they did.</p> <p>9 Q. Now, so Sarah Reed would do a direct treatment 10 plan?</p> <p>11 A. They would have a plan. The goals and things that 12 they worked on. Specific issues that they worked on with 13 students.</p> <p>14 Q. Okay. And do you think that aside from -- the 15 documents that Sarah Reed would have been provided by the 16 Erie School District, would be the -- would it be the 17 documents we've identified as Exhibit 1 and 2 in your 18 deposition?</p> <p>19 A. Documents --</p> <p>20 Q. In other words, what would the School District, 21 the Erie School District provide to Sarah Reed Children's 22 Center pertaining to R[REDACTED] and K[REDACTED]?</p> <p>23 A. Oh, our initial documents. You know, first we -- 24 you know, you have to release for them to review, and they 25 agree. Then we give them the revisions and all the</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Oh, yes.</p> <p>2 Q. And when Erie students are there, do you go there 3 to see how they are doing?</p> <p>4 A. Oh, yes. Our team. We meet on a monthly basis. 5 Special ed. supervisors meet with the Sarah Reed staff, and 6 we review all our cases, and we talk about student progress 7 and issues related to children and, you know, how they are 8 doing.</p> <p>9 Q. Well, did you meet with Sarah Reed about these two 10 girls; R[REDACTED] and K[REDACTED]</p> <p>11 A. Yes, I did.</p> <p>12 Q. Would you be given written summaries or written 13 updates about what was going on with them?</p> <p>14 A. I probably would have some notes. Sarah Reed 15 usually provides us with notes, student progress notes. I 16 usually just get a list of students and what their status 17 is; you know, when they entered, the reasons why they are 18 there. And then we just -- we do a review. And I may take 19 some notes and things like that about students that -- any 20 specific concerns, but --</p> <p>21 Q. Will you check to see if you have any notes that 22 pertain to K[REDACTED] and R[REDACTED] at Sarah Reed?</p> <p>23 A. Um-hum. Okay.</p> <p>24 Q. Now, do you know specifically what therapy or 25 intervention Sarah Reed offered these girls? Do you know</p>	<p style="text-align: right;">Page 57</p> <p>1 necessary other paperwork that they need, and then they have 2 paperwork that the parent fills out. And then that's the 3 documentation that they have. And then we -- you know, once 4 they set up goals and objectives within their facility, then 5 they work on those things as it relates to their IEP.</p> <p>6 Q. There is nothing in here about sexual activity in 7 these documents.</p> <p>8 A. No.</p> <p>9 Q. Well, how would Sarah Reed know about the sexual 10 activity?</p> <p>11 A. I think that would probably be information that 12 the parent -- you know, they have to do parent interviews. 13 Parents come in, and they tell them what their concerns are 14 with the children. They want to know what some of the 15 issues are in relationship to that.</p> <p>16 Those are very, very sensitive, sensitive issues 17 that -- these are confidential documents. But, you know, 18 the -- conversationwise, as you can see, it says student's 19 high intensity of stress by parents, students, and staff. 20 The reason why -- of the proposed action and so on and so 21 forth. And then that information comes through -- it would 22 have to come through parent interviews. I'm sure child 23 interview with the child about his or her concerns, or if 24 they had those things; that they get information from the 25 students themselves also.</p>

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1 Q. Is that typically when a referral is made to Sarah
2 Reed and the Notice of Recommended Educational Placement is
3 created, that it wouldn't specify the explicit, specific
4 instances which were the basis for the placement?

5 A. Specific -- even though the document is extremely
6 confidential, it's very -- it's highly sensitive -- it's a
7 highly sensitive subject area. And I think we would word
8 that to the fact that there are some stressors, and then the
9 facility would go and question as to what those particular
10 stressors were.

11 Q. Okay. When you say it is a highly sensitive area,
12 what are you -- what is it? What are you referring to?

13 A. The -- you know, the sexual activity or anything
14 like that. That's a highly -- you know, we have people --
15 you are reviewing documents --

16 Q. Right.

17 A. -- you know, and you have, out of respect for the
18 young people, you know, we try to provide information
19 without, you know, making people uncomfortable.

20 Q. Did you get a sense of the level of sexual
21 activity these girls were involved in?

22 A. Not necessarily the level, but their -- it
23 happened -- something had occurred. And that -- and I
24 consider that -- personally consider that, but
25 professionally consider that to be a very sensitive thing

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1 with students of this particular age.

2 (Discussion held off the record.)

3 MR. OLDS: I don't have any other questions.

4 MR. MARNEN: Okay, thank you. No questions.
5 We'll read and sign.

6
7 (Deposition concluded at 4:26 p.m.)
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SIGNATURE PAGE

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5

6 I, CHARLISE MOORE, have read the foregoing
7 transcript of my deposition, and affix my signature in
8 approval of the correctness of my statement, except for
9 corrections noted on the Amendment Page.

10

11

Charlise Moore

12

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17

DATED: 4/17/05

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19

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21

Corrections Noted on Amend Page

22

Yes

23

No ✓

24

25

JLF

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R [REDACTED] P [REDACTED]

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<p>1 For the Plaintiffs: 2 Edward Olds, Esquire 3 Carolyn Spicer Russ, Esquire 4 1007 Mount Royal Boulevard 5 Pittsburgh, PA 15223</p> <p>6 For the Defendants: 7 James T. Marnen, Esquire 8 Knox McLaughlin Gornall & Sennett, PC 9 120 West 10th Street 10 Erie, PA 16501</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 R [REDACTED] P [REDACTED], first having 2 been duly sworn, testified as follows:</p> <p>3</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. MARNEN:</p> <p>6</p> <p>7 Q. Rachel, for the record, would you state your full 8 name.</p> <p>9 A. R [REDACTED] R [REDACTED] P [REDACTED]</p> <p>10 Q. How do you spell your middle name?</p> <p>11 A. R [REDACTED]</p> <p>12 Q. Now, before the deposition, you told me -- I 13 thought you said you preferred Rachel, and you just said 14 R [REDACTED]. So which is it?</p> <p>15 A. It's R [REDACTED]</p> <p>16 Q. I'll call you whatever you like. R [REDACTED] where do 17 you live right now?</p> <p>18 A. [REDACTED] Erie, PA 16428.</p> <p>19 Q. Do you live there with your parents?</p> <p>20 A. Yes.</p> <p>21 Q. Richard and Shelley P [REDACTED]</p> <p>22 A. Yeah.</p> <p>23 Q. Where is [REDACTED] Shelly [REDACTED] Erie? West 24 side or east side?</p> <p>25 A. West.</p>
<p>1 I N D E X</p> <p>2</p> <p>3 TESTIMONY OF R [REDACTED] P [REDACTED]</p> <p>4 Direct examination by Mr. Marnen 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXHIBITS:</p> <p>11 Defendant's Deposition Exhibit E - Page 11</p> <p>12 Defendant's Deposition Exhibit F - Page 36</p> <p>13 Defendant's Deposition Exhibit G - Page 36</p> <p>14 Defendant's Deposition Exhibit H - Page 36</p> <p>15 Defendant's Deposition Exhibit I - Page 36</p> <p>16 Defendant's Deposition Exhibit J - Page 49</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 Q. West side? How far is it from Strong Vincent High 2 School?</p> <p>3 A. Far.</p> <p>4 Q. Far?</p> <p>5 A. Yeah.</p> <p>6 Q. Is it in south Erie or west -- is it north Erie?</p> <p>7 Do you know?</p> <p>8 A. No.</p> <p>9 Q. Near the lake or away from the lake?</p> <p>10 A. I don't know.</p> <p>11 Q. If you don't know, that's fine. Okay. How long 12 have you lived there?</p> <p>13 A. I'm guessing about six months maybe.</p> <p>14 Q. Where did you live before that?</p> <p>15 A. Erie.</p> <p>16 Q. Do you remember the street address?</p> <p>17 A. I know it was East 10th.</p> <p>18 Q. And have you ever lived anywhere besides those --</p> <p>19 I'm talking about living with your parents -- besides those 20 two addresses?</p> <p>21 A. Arizona.</p> <p>22 Q. How long were you in Arizona?</p> <p>23 A. Two years maybe.</p> <p>24 Q. Were those the two years before you started Strong 25 Vincent?</p> <p>Page 5</p>

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R [REDACTED] P [REDACTED]

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<p style="text-align: right;">Page 6</p> <p>1 A. Yeah. 2 Q. And before Arizona, did you live in Erie? 3 A. Yeah. 4 Q. Did you live in Erie all your life before you went 5 to Arizona? 6 A. No. I -- I lived in North East first, then I 7 moved to Erie. 8 Q. That's North East, Pennsylvania, right? 9 A. Yeah. 10 Q. Which is in Erie County also. Right? 11 A. Yeah. 12 Q. Did you ever go to school in North East? 13 A. Yeah. 14 Q. What grades did you attend at North East? 15 A. Just tenth. 16 Q. Tenth? 17 A. Oh, and -- I forgot. An elementary school. 18 Q. Right. 19 A. Preschool, kindergarten, first. And I think 20 that's it. I can't really remember. 21 Q. And then you went to Erie and went to elementary 22 school in Erie? 23 A. Yeah. 24 Q. Do you remember the name of the school? 25 A. Emerson-Gridley.</p>	<p>1 Q. Oh, okay. 2 A. -- two years at Strong Vincent. 3 Q. Did you go to Emerson-Gridley? 4 A. Yeah. 5 Q. So you finished out sixth grade in 6 Emerson-Gridley, then started seventh at Strong Vincent? 7 A. Yeah. 8 Q. When you attended Strong Vincent, did you have 9 occasion to meet K [REDACTED] L [REDACTED] 10 A. Not in the beginning of the year. But I did meet 11 her. 12 Q. But later on? 13 A. Yeah. 14 Q. Was she in any of your classes? 15 A. Most -- mainly all of them, really. But I don't 16 think she was in my homeroom. 17 Q. Who was your homeroom teacher? 18 A. Miss Manus. 19 Q. And was Miss Manus your homeroom teacher the 20 entire time you were at Strong Vincent? 21 A. Yeah, it was. 22 Q. Did you start Strong Vincent right at the 23 beginning of the year, or did you start later on? 24 A. Yeah, I was there the first day. 25 Q. In August?</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. That's right there on Gridley Park, isn't it? 2 A. Yeah. 3 Q. And did you go to Emerson-Gridley every year until 4 you went to Arizona? 5 A. No. I was in a different school before I went to 6 Arizona. I don't know what it was called. 7 Q. Was it in Erie? 8 A. Yeah. 9 Q. How long were you there? How many grades? Do you 10 remember? 11 A. I was there for third and half of fourth. I 12 think. A little more than half, maybe. 13 Q. And then did you go to another school in Erie 14 after that? 15 A. No, in Arizona. 16 Q. In Arizona? 17 A. Yeah. 18 Q. Were you in Arizona for fifth and sixth grade? 19 A. Yeah. 20 Q. Then you came back to Erie. 21 A. Yeah. 22 Q. And you enrolled in Strong Vincent. 23 A. Yeah. 24 Q. High school/middle school. 25 A. No. I first went to the elementary. And then --</p>	<p>1 A. Yeah. 2 Q. And was K [REDACTED] there then? 3 A. No, not in the beginning. 4 Q. Was K [REDACTED] in your homeroom when she finally did 5 show up? 6 A. In my homeroom? 7 Q. Yes. 8 A. No. 9 Q. But she was in all of your classes? 10 A. Mainly all of them. 11 Q. Okay. You said Miss Manus was your homeroom 12 teacher. 13 A. (Witness nods head.) 14 Q. Do you remember today who your teachers were in 15 seventh grade at Strong Vincent? 16 A. I had Miss Scully for science. Miss Manus, I 17 think, was for world cultures or history. I don't know if 18 that's the same thing, but. 19 Q. Okay. 20 A. Miss Agi -- 21 Q. Acke? 22 A. Yeah. 23 Q. I don't know how to spell it either. 24 A. I don't know. 25 Q. Was she for gym?</p>

Page 10		Page 12
1 A. Yeah. Miss Gray for math. And I had a music	1 Q. You didn't finish the year, right?	
2 teacher. He was a male, but I don't remember his name.	2 A. Huh?	
3 Q. He was what?	3 Q. You didn't finish the year at Strong Vincent?	
4 A. He was a male.	4 A. No, I didn't.	
5 Q. A man? Okay. Was it Mr. Donch?	5 Q. You left in January of 2002. Is that right?	
6 A. I don't remember.	6 A. I can't say the year, so I don't remember.	
7 Q. Or Mr. Johnson?	7 Q. After the Christmas vacation sometime?	
8 A. I'm not sure.	8 A. I don't really remember when I left.	
9 Q. If I said the name, do you think you might	9 Q. You don't remember a Lipchik for a teacher?	
10 remember it?	10 A. No, I don't remember him.	
11 A. Maybe.	11 Q. And if you look at that, if you go down the list,	
12 Q. How about Kenneth Coburn?	12 Scully and Manus appear again. And then a Vallimont. Was	
13 A. I don't know.	13 she a home ec. teacher for you?	
14 Q. Richard Lipchik?	14 A. Oh, yeah, I forgot I had home ec. But I don't	
15 A. No.	15 remember her, though.	
16 Q. Joseph Steubenhofe?	16 Q. And then there's a Johnson there for health. Did	
17 A. No.	17 you have him, do you remember?	
18 Q. Scott Burbee?	18 A. I don't remember.	
19 A. I don't know.	19 Q. Did you have health class?	
20 Q. Larry Graham?	20 A. I don't remember. Obviously I did, if it's on	
21 A. I'm still not sure.	21 here.	
22 Q. Okay. In any case, you had music also in addition	22 Q. Well, maybe not. It might be the second. If you	
23 to the ones you mentioned.	23 look at the semesters, it says health is third and fourth	
24 A. Yeah.	24 semesters. So that may have been after you left.	
25 Q. With somebody. Were those all your teachers, do	25 All right. Do you remember another student named	
Page 11		Page 13
1 you remember?	1 B. [REDACTED] C. [REDACTED]	
2 A. I think so.	2 A. Yeah.	
3 MR. MARNEN: I'm marking Defendant's Exhibit E.	3 Q. Was Becky in any of your classes?	
4 (Defendant's Deposition Exhibit E	4 A. No.	
5 marked for identification.)	5 Q. None?	
6 Q. And I'll hand it to you, R. [REDACTED] It is a	6 A. No, none.	
7 composite exhibit. That is, it's comprised of a number of	7 Q. Do you recall a student named C. [REDACTED] B. [REDACTED]?	
8 different kinds of documents. But if you'd look at the very	8 A. Yeah.	
9 first page, it would appear to be your class schedule for	9 Q. Was C. [REDACTED] B. [REDACTED] in any of your classes?	
10 that year at Strong Vincent.	10 A. He was in one of them.	
11 A. Yeah.	11 Q. Which class was that? Do you remember?	
12 Q. And assuming the accuracy of this, then, Graham	12 A. I'm not sure.	
13 was your music teacher?	13 Q. Do you remember who the teacher was?	
14 A. Yeah.	14 A. I think it was Miss Manus. I think.	
15 Q. And then Nischal, I think it's pronounced, was	15 Q. Was that class held every day, or --	
16 your art teacher?	16 A. No. There was A day and B day.	
17 A. Yep.	17 Q. Would you explain that to me, please.	
18 Q. Then we have Gray for math and Scully for reading.	18 A. A day -- well, every day you get four classes.	
19 Does that sound right?	19 And on A days it changes, and on B days it changes.	
20 A. Yeah.	20 Q. So would it be four classes on A day and four	
21 Q. Acke for gym.	21 classes on B day?	
22 MR. MARNEN: For the court reporter's benefit,	22 A. Yeah, different classes.	
23 Acke is A-C-K-E.	23 Q. But they would be different classes.	
24 Q. And Lipchik for literature. Do you remember that?	24 A. (Witness nods head.)	
25 A. No, I don't remember.	25 Q. Okay. And C. [REDACTED] was in either A or B?	

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<p>1 A. Yeah.</p> <p>2 Q. Do you remember which one?</p> <p>3 A. I don't remember which one.</p> <p>4 Q. So would that mean that you would have three A</p> <p>5 classes one week and two the next week, and the same thing</p> <p>6 with B; two one week and three the next week? Is that how</p> <p>7 it worked?</p> <p>8 A. I don't know.</p> <p>9 Q. Since there are only five days in a week, I</p> <p>10 thought it might work that way.</p> <p>11 A. Probably.</p> <p>12 Q. Okay. But C [REDACTED] B [REDACTED] was in one class in one</p> <p>13 of those sections; A or B. Correct?</p> <p>14 A. Can you repeat that?</p> <p>15 Q. Sure. Sorry. I called A and B sections, and</p> <p>16 maybe that's the wrong terminology. But C [REDACTED] B [REDACTED] was</p> <p>17 either in an A day class or a B day class with you.</p> <p>18 A. Yeah.</p> <p>19 Q. And you don't remember whether it was A or B.</p> <p>20 A. No, I don't remember.</p> <p>21 Q. Okay. One class was all he was in.</p> <p>22 A. Yeah. He wasn't in there, like, for the whole</p> <p>23 time, but he was in there.</p> <p>24 Q. What do you mean, he wasn't there for the whole</p> <p>25 time?</p>	<p>Page 14</p> <p>1 any other day?</p> <p>2 A. No.</p> <p>3 Q. Okay. And during that one day in that class, did</p> <p>4 you have any difficulties with him of any kind?</p> <p>5 A. He was whispering to somebody, and he was looking</p> <p>6 at me, and he was pointing at me, but I don't know what he</p> <p>7 said.</p> <p>8 Q. Okay. We all know you were sexually assaulted at</p> <p>9 some point, right?</p> <p>10 A. Yeah.</p> <p>11 Q. And C [REDACTED] B [REDACTED] was one of the assailants?</p> <p>12 A. Yeah.</p> <p>13 Q. Was this whispering event in class before or after</p> <p>14 you were assaulted?</p> <p>15 A. After.</p> <p>16 Q. Who was he whispering to? What was the student's</p> <p>17 name?</p> <p>18 A. I can't remember.</p> <p>19 Q. Was it a boy or a girl?</p> <p>20 A. It was a boy.</p> <p>21 Q. Do you know --</p> <p>22 A. Oh, I remembered his name.</p> <p>23 Q. You just remembered?</p> <p>24 A. Tariq.</p> <p>25 Q. Who?</p>
<p>1 A. He wasn't there, like, in the beginning of the</p> <p>2 year.</p> <p>3 Q. Oh.</p> <p>4 A. But he came in that classroom.</p> <p>5 Q. Do you remember when he came into that classroom?</p> <p>6 Can you approximate when that was?</p> <p>7 A. I can't say the days. I don't know.</p> <p>8 Q. I don't expect you to give me the exact date. But</p> <p>9 can you remember the month?</p> <p>10 A. Probably in, like, the beginning of December or</p> <p>11 the end of November. I'm guessing.</p> <p>12 Q. And did he remain in that class until you left</p> <p>13 Strong Vincent?</p> <p>14 A. I actually only seen him once in the room. And</p> <p>15 then after that, I went to Sarah Reed.</p> <p>16 Q. You what?</p> <p>17 A. I went to Sarah Reed.</p> <p>18 Q. Oh, okay. Are you telling me -- I just want to</p> <p>19 clear this up -- that he was in that class one day?</p> <p>20 A. Well, I don't know how long -- I know he was in</p> <p>21 there one day, because I was in there one day, and then I</p> <p>22 left after that, and I went to Sarah Reed.</p> <p>23 Q. You mean you saw him in that class on one day.</p> <p>24 A. Yeah.</p> <p>25 Q. And you don't remember seeing him in that class on</p>	<p>Page 15</p> <p>1 A. Tariq.</p> <p>2 Q. Any idea how to spell Tariq?</p> <p>3 A. No.</p> <p>4 Q. Is that his first name?</p> <p>5 A. Yeah.</p> <p>6 Q. Do you remember a last name?</p> <p>7 A. No.</p> <p>8 Q. Was he a black boy or white boy?</p> <p>9 A. Black.</p> <p>10 Q. Do you remember the name A [REDACTED] K [REDACTED]</p> <p>11 A. Yeah.</p> <p>12 Q. Did you ever know A [REDACTED] K [REDACTED]</p> <p>13 A. Did I ever know him?</p> <p>14 Q. Yes.</p> <p>15 A. I didn't know him like that, but --</p> <p>16 Q. A [REDACTED] K [REDACTED] also sexually assaulted you, did</p> <p>17 he not?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you know A [REDACTED] K [REDACTED] before that happened?</p> <p>20 A. No.</p> <p>21 Q. Did you have any social contact with A [REDACTED]</p> <p>22 K [REDACTED] before you were sexually assaulted by him? And by</p> <p>23 that, I mean a conversation or anything of that nature.</p> <p>24 A. No, not before.</p> <p>25 Q. Afterwards, did you have any social contact with</p>

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<p style="text-align: right;">Page 18</p> <p>1 him?</p> <p>2 A. Yeah. Afterwards.</p> <p>3 Q. You saw him at school. And was anything said by</p> <p>4 him with regard to you or in your presence?</p> <p>5 A. Can you repeat that?</p> <p>6 Q. Yeah, it was a bad question. And let me leave</p> <p>7 that alone right now, and I'll come back to it. Okay?</p> <p>8 A. Um-hum.</p> <p>9 Q. All right. My memory is malfunctioning right now.</p> <p>10 I think you said that you were acquainted with B [REDACTED]</p> <p>11 C [REDACTED] at some point during school?</p> <p>12 A. What's "acquainted"?</p> <p>13 Q. You knew her?</p> <p>14 A. I didn't know her, but I have talked to her.</p> <p>15 Q. Okay. She was not in your classes.</p> <p>16 A. No.</p> <p>17 Q. Did you say that she did not start class the same</p> <p>18 time you did? Maybe I'm mixing her up with --</p> <p>19 A. I don't remember seeing her.</p> <p>20 Q. Okay. You probably didn't. I can't remember</p> <p>21 everything either. Did B [REDACTED] C [REDACTED] if you know, begin</p> <p>22 class at Strong Vincent at the same time you did, on the</p> <p>23 very first day in August, very first day of classes?</p> <p>24 A. I can't remember.</p> <p>25 Q. Okay. You said B [REDACTED] was not in any of your</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I was in Miss Scully's. And I think she came from</p> <p>2 Miss Manus' room. I'm not sure.</p> <p>3 Q. So the two classes came together to do something;</p> <p>4 either listen to a speaker or watch a movie?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. And --</p> <p>7 A. And she says she wants to fight me.</p> <p>8 Q. That's the very first time -- was that the very</p> <p>9 first time you were even aware that she existed?</p> <p>10 A. No. I mean, I seen her in the halls and stuff.</p> <p>11 Q. Had you seen her before that day, when she told</p> <p>12 you she wanted to fight you, had you seen her or heard her</p> <p>13 giving -- bothering other students; students besides you?</p> <p>14 A. She would get into arguments.</p> <p>15 Q. With students?</p> <p>16 A. Yeah, other students.</p> <p>17 Q. Did you see her do anything else that you would</p> <p>18 regard as bothering other students by B [REDACTED] C [REDACTED] before</p> <p>19 that first day when she bothered you?</p> <p>20 A. No, not that I know of. Just arguing with the</p> <p>21 other students.</p> <p>22 Q. Did you see that happen every day, or can you tell</p> <p>23 me some --</p> <p>24 A. No, not every day, because I didn't see her every</p> <p>25 day.</p>
<p style="text-align: right;">Page 19</p> <p>1 classes. Was she in your homeroom?</p> <p>2 A. I don't think so.</p> <p>3 Q. Do you know what grade she was in?</p> <p>4 A. No.</p> <p>5 Q. Do you know what grade C [REDACTED] B [REDACTED] was in?</p> <p>6 A. No.</p> <p>7 Q. How about A [REDACTED] K [REDACTED]</p> <p>8 A. I think eleventh or twelfth.</p> <p>9 Q. How did you first become aware of B [REDACTED] C [REDACTED]</p> <p>10 A. She started saying that she wants to fight me.</p> <p>11 Q. Do you remember what month this occurred in?</p> <p>12 August? September? October? November?</p> <p>13 A. October.</p> <p>14 Q. October?</p> <p>15 A. (Witness nods head.)</p> <p>16 Q. And where were you and where was she when she said</p> <p>17 that?</p> <p>18 A. There was a couple times. There was one, she was</p> <p>19 in my room, because that day the kids from the other class</p> <p>20 moved in our class, because we were going to watch a movie</p> <p>21 or there was a guest speaker or something.</p> <p>22 Q. Does that mean your homeroom, when you say "my</p> <p>23 room"?</p> <p>24 A. No, not my homeroom.</p> <p>25 Q. What room are you talking about? Classroom?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Right. And when you did see her, did you see her</p> <p>2 in the halls? Is that a fair statement?</p> <p>3 A. I -- I seen her in the halls a couple times. I</p> <p>4 seen her when I was in gym. And -- because she was in the</p> <p>5 other gym room. There's two gym rooms. I seen her then --</p> <p>6 (Witness asked for clarification by reporter.)</p> <p>7 A. I seen her out in the hall when I went to go get a</p> <p>8 drink.</p> <p>9 Q. And when you saw her, was she arguing with</p> <p>10 anybody?</p> <p>11 A. No.</p> <p>12 Q. Did you ever see her in the cafeteria?</p> <p>13 A. No, not that I remember.</p> <p>14 Q. What time of day did kids in middle school have</p> <p>15 cafeteria?</p> <p>16 A. I can't remember.</p> <p>17 Q. Did you always have cafeteria at the same time</p> <p>18 every day?</p> <p>19 A. I can't remember.</p> <p>20 Q. When you did have cafeteria, were you -- how did</p> <p>21 you go from your classroom to the cafeteria? And by that, I</p> <p>22 mean were you escorted in a group and you had to walk in</p> <p>23 line or anything like that, or could you go on your own?</p> <p>24 A. No. When the bell rang, everybody got up and went</p> <p>25 to lunch.</p>

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<p>1 Q. On their own. 2 A. Yeah. 3 Q. No getting in line like elementary school. 4 A. No. 5 Q. And when you did that, you were expected to walk 6 from the class down to the cafeteria? 7 A. Yeah. 8 Q. As you walked -- when you walked to the -- when 9 you were in the halls between classes, were there ever any 10 teachers in the halls? 11 A. I can't remember. 12 Q. Did you ever, while you were there, become aware 13 that there were police officers in the building? 14 A. Yeah, I knew that. 15 Q. Did you? When did you first become aware of that? 16 A. When I seen an officer in the high school office. 17 Q. Did the police officers wear uniforms? 18 A. Yeah. 19 Q. They were police officer uniforms? 20 A. Yeah. 21 Q. Were they -- 22 A. Well, I don't know if it was a police officer 23 uniform, but they did wear a uniform. 24 Q. I'm sorry? 25 A. I don't know if it was a police officer uniform,</p>	Page 22	<p>1 Q. Okay. I'm trying to distinguish between seventh 2 grade and eighth grade. Seventh grade would be 2001/2002. 3 Eighth grade, 2002/2003. 4 A. It was eighth grade, I think. 5 Q. Eighth grade. Do you know his name? 6 A. No. I don't remember. 7 Q. Why was he taking you home? Do you know? 8 A. Because I had to get out of the school because I 9 had a fight with the principal. 10 Q. Did you attend Strong Vincent eighth grade? 11 A. Yeah. 12 Q. How long? 13 A. Not that long. About a week, maybe. 14 Q. And at the end of that week, you had a fight with 15 the principal? 16 A. Yeah. 17 Q. What was the principal's name? 18 A. I don't remember. I don't think I ever knew. 19 Q. Was it a woman or a man? 20 A. A man. 21 Q. Tell me about the fight. What was the nature of 22 it? 23 A. I was wearing -- I was actually wearing the dress 24 code, but I took off my -- my collared shirt, and I had 25 another shirt on underneath it, and that other shirt</p>	Page 24
<p>1 but they did wear uniforms. 2 Q. They did wear uniforms when they were at school? 3 A. Yeah. 4 Q. At least sometimes. Is that what you're saying? 5 A. I didn't say sometimes. 6 Q. Did they always wear uniforms? 7 A. Yeah. 8 Q. And do you know what police department uniforms 9 they were? 10 A. No. 11 Q. Do you know the names of the police officers? 12 A. No. 13 Q. Did you ever become acquainted with any -- did you 14 ever talk to any of the police officers? 15 A. Yeah. 16 Q. And were they actual conversations, or did you 17 just say hello? 18 A. No, I can't remember what we really talked about, 19 but he took me home. 20 Q. He took you home? 21 A. Yeah. 22 Q. Was that -- 23 A. And we started talking. 24 Q. Was that during the 2001/2002 school year? 25 A. I think it was 2002.</p>	Page 23	<p>1 underneath it wasn't dress code. It was just a T-shirt. 2 And he -- he saw me, and he asked me to put back 3 on my shirt, and I said no. And he said, well, then come 4 here, I want to talk to you. And I said no. So he came 5 over and he grabbed my arm, and we went in this office, and 6 he sat and he wanted to talk to me. And he -- I wanted to 7 leave, and he wouldn't let me leave, so I hit him. 8 (Brief interruption in proceedings.) 9 Q. So you hit him. Where did you hit him? 10 A. In the chest. 11 Q. With what? 12 A. My fist. 13 Q. And what did he do then? 14 A. He grabbed me. And then he called for -- he 15 restrained me because -- on the floor. And then I -- he 16 called for the officers. And they came, and they -- 17 actually he. There was only one officer. And he arrested 18 me. 19 Q. And when he arrested you, did he -- just one 20 officer did that? 21 A. Yeah. 22 Q. And did he restrain you in any way? 23 A. No. They let go of me, and then I got arrested. 24 Q. All right. Did they ever put any handcuffs on you 25 or any other restraint devices?</p>	Page 25

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<p>Page 26</p> <p>1 A. No.</p> <p>2 Q. He then escorted you home? Is that what you're saying?</p> <p>3 A. Yeah.</p> <p>4 Q. Did anyone from the school discuss the situation with your parents?</p> <p>5 A. The officer, with my mom.</p> <p>6 Q. Did you ever return to Strong Vincent after that day? For school.</p> <p>7 A. No.</p> <p>8 Q. Where did you go to school after that?</p> <p>9 A. After that, I -- well, I went to Hermitage, in that placement school. And then -- then I went to Sarah Reed when I came home.</p> <p>10 Q. How long were you in Hermitage?</p> <p>11 A. About a month.</p> <p>12 Q. Then you went to Sarah Reed?</p> <p>13 A. Yeah.</p> <p>14 Q. Did you finish out eighth grade at Sarah Reed?</p> <p>15 A. Yeah. I think.</p> <p>16 Q. Are you in tenth grade right now?</p> <p>17 A. Yes.</p> <p>18 Q. Where are you going to school?</p> <p>19 A. North East High.</p> <p>20 Q. Have you been there since August of 2004?</p>	<p>Page 28</p> <p>1 A. Yeah.</p> <p>2 Q. Then you left there, and you went to Hermitage House?</p> <p>3 A. Um-hum.</p> <p>4 Q. And you were there for about a month.</p> <p>5 A. Yeah.</p> <p>6 Q. And then you went to Sarah Reed again.</p> <p>7 A. Yeah.</p> <p>8 (Discussion held off the record.)</p> <p>9 Q. Did you finish eighth grade at Sarah Reed?</p> <p>10 A. I think I did, or I could have been in Drama House [sic]. I don't remember.</p> <p>11 Q. Did you go to summer school after eighth grade?</p> <p>12 A. I think it was after eighth grade.</p> <p>13 Q. And you think that was Sarah Reed?</p> <p>14 A. Yeah.</p> <p>15 Q. And then ninth grade, where did you go to school?</p> <p>16 A. I think I stayed in Sarah Reed.</p> <p>17 Q. Stayed there the whole year?</p> <p>18 A. Probably in and out, because I went to Edmund L. a few times.</p> <p>19 Q. When you went to Edmund L., did you actually live in there, in Edmund L. Thomas?</p> <p>20 A. For about -- a couple times. There was about a month, two months, maybe close to three months.</p>
<p>Page 27</p> <p>1 A. Been where?</p> <p>2 Q. North East High.</p> <p>3 A. No. Well -- no, I wasn't there the first day. I was there like -- well, I was there in August. Yeah, I started in August.</p> <p>4 Q. You spent your entire tenth grade at North East High?</p> <p>5 A. Yeah. Well, I went to Millcreek Learning Center.</p> <p>6 Q. Okay. Let's back up and go back to -- just give me a -- I'd like to have a chronology of where you have been since you left Vincent. You went to Sarah Reed, did you not, during your seventh grade, after the assault?</p> <p>7 A. Yeah.</p> <p>8 Q. Did you finish out the school year in Sarah Reed?</p> <p>9 A. Yeah, I finished out the school year.</p> <p>10 Q. And did you go to summer school anywhere?</p> <p>11 A. Once. Yeah, at Sarah Reed.</p> <p>12 Q. I meant in 2002.</p> <p>13 A. I don't remember when, but I did go.</p> <p>14 Q. Did you then enter eighth grade in the fall of 2002?</p> <p>15 A. I don't know.</p> <p>16 Q. Let me help you out a little bit. After Strong Vincent -- oh, you just told me, you went back to Strong Vincent for a week. Right?</p>	<p>Page 29</p> <p>1 Q. My point is, though, that when you were at Edmund L. Thomas, you were living there. You weren't living at home.</p> <p>2 A. Yeah, I was.</p> <p>3 Q. But you were also attending school at Edmund L. Thomas?</p> <p>4 A. Yeah.</p> <p>5 Q. Then after the ninth grade, you went to North East High School. In tenth grade.</p> <p>6 A. Yeah.</p> <p>7 MR. OLDS: Well, except she was -- you were -- where were you? In placement?</p> <p>8 A. I also was in Abraxas in ninth grade too.</p> <p>9 MR. OLDS: How long were you there? Do you remember?</p> <p>10 THE WITNESS: About five months, maybe less. I don't know.</p> <p>11 Q. Let's break that one down, ninth grade, a little bit to erase my confusion. You were in several places in ninth grade.</p> <p>12 A. Yeah.</p> <p>13 Q. You were in Sarah Reed, you were in Edmund L. Thomas, and you were in Abraxas. Right?</p> <p>14 A. Yeah.</p> <p>15 Q. Can you give me the order of things? Did you</p>

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<p>1 start in Sarah Reed?</p> <p>2 A. I started at Sarah Reed, then I went to Edmund L.</p> <p>3 And I think the first time at Edmund L., I -- they sent me</p> <p>4 there in -- I went home after that, I think. And then I</p> <p>5 went back to Sarah Reed. Then I went to Edmund L. again.</p> <p>6 And I think I went to Drama House [sic] after that. And</p> <p>7 after Drama House, I went back to Edmund L. And then I left</p> <p>8 Edmund L., and I went home, and so I went back to Sarah</p> <p>9 Reed. And then I went to Edmund L. again. And then from</p> <p>10 Edmund L., I went to Abraxas. And after Abraxas, I went</p> <p>11 home, came back to Sarah Reed. After Sarah Reed, I went to</p> <p>12 North East High.</p> <p>13 Q. That's all in the ninth grade?</p> <p>14 A. Yeah.</p> <p>15 Q. During the four occasions in ninth grade when you</p> <p>16 were at Sarah Reed, did you live at Sarah Reed?</p> <p>17 A. No.</p> <p>18 Q. When you were at Edmund L. Thomas on three</p> <p>19 occasions, did you live at Edmund L. Thomas?</p> <p>20 A. Yeah.</p> <p>21 Q. And at Andromeda House, did you live there?</p> <p>22 A. Yeah.</p> <p>23 Q. And Abraxas, did you live there?</p> <p>24 A. Yeah.</p> <p>25 Q. All right. Would you mind, for me -- just for my</p>	<p>Page 30</p>	<p>1 in eighth grade.</p> <p>2 A. Probably close -- a little more than two years.</p> <p>3 Q. No, I mean in eighth grade. Just eighth grade.</p> <p>4 A. Oh. In Sarah Reed?</p> <p>5 Q. Yes.</p> <p>6 MR. OLDS: Are you saying before she went to</p> <p>7 Strong Vincent?</p> <p>8 MR. MARNEN: Yes.</p> <p>9 MR. OLDS: In other words --</p> <p>10 MR. MARNEN: Yes, the very first time.</p> <p>11 MR. OLDS: -- before you went to Strong Vincent</p> <p>12 that year, how long were you at Sarah Reed?</p> <p>13 A. I don't know. I don't remember.</p> <p>14 Q. You went to Hermitage House after Sarah Reed.</p> <p>15 A. Yeah.</p> <p>16 Q. How long were you there?</p> <p>17 A. Three months, maybe.</p> <p>18 Q. Strong Vincent, then, for a week.</p> <p>19 A. Yeah.</p> <p>20 Q. And then Sarah Reed for the rest of the year.</p> <p>21 A. Yeah.</p> <p>22 Q. Can you give me an idea how long at Sarah Reed the</p> <p>23 second time?</p> <p>24 A. I don't know.</p> <p>25 Q. Were you at Strong Vincent before the Thanksgiving</p>	<p>Page 32</p>
<p>1 benefit, going through eighth grade, then, for me. My notes</p> <p>2 are confusing.</p> <p>3 A. Okay.</p> <p>4 Q. You finished out seventh grade, I know, at Sarah</p> <p>5 Reed.</p> <p>6 A. Um-hum.</p> <p>7 Q. Eighth grade, you started at Strong Vincent, and</p> <p>8 you were there for a week. Right?</p> <p>9 A. No. I went to Sarah Reed in the beginning of</p> <p>10 eighth grade. And then I went to Hermitage. And then I</p> <p>11 went to Strong Vincent.</p> <p>12 Q. Oh. All right.</p> <p>13 A. And I came home, and then I went to Sarah Reed.</p> <p>14 Q. That's it?</p> <p>15 A. Yeah.</p> <p>16 Q. And when you were at Sarah Reed on those two</p> <p>17 occasions, you were living at home.</p> <p>18 A. Yeah.</p> <p>19 Q. Hermitage House, however, you lived at Hermitage?</p> <p>20 A. Yeah.</p> <p>21 Q. Strong Vincent, you lived at home.</p> <p>22 A. Yeah.</p> <p>23 (Discussion held off the record.)</p> <p>24 Q. I know you don't have this memorized, but can you</p> <p>25 tell me about how long you were at Sarah Reed the first time</p>	<p>Page 31</p>	<p>1 vacation in eighth grade?</p> <p>2 A. Was I at what?</p> <p>3 Q. The one week you spent at Strong Vincent, was that</p> <p>4 before Thanksgiving vacation in eighth grade?</p> <p>5 A. Can you repeat it again?</p> <p>6 Q. Sure. You spent one week at Strong Vincent at</p> <p>7 some point in time in eighth grade. Right?</p> <p>8 A. (Witness nods head.)</p> <p>9 Q. All I want to know is if you can remember whether</p> <p>10 that was before Thanksgiving vacation that year.</p> <p>11 A. No, it wasn't before.</p> <p>12 Q. Was it before Christmas vacation?</p> <p>13 A. I don't remember when Christmas vacation was.</p> <p>14 Q. Well, it's about the 20th of December until about</p> <p>15 the 2nd or 3rd of January.</p> <p>16 A. No, I think it was after.</p> <p>17 Q. Okay. What was it that caused you to go to</p> <p>18 Hermitage house from Sarah Reed?</p> <p>19 A. Assaulting an officer. And my principal.</p> <p>20 Q. Assaulting an officer and your principal at Sarah</p> <p>21 Reed?</p> <p>22 A. No. At Strong Vincent. I went to Hermitage from</p> <p>23 Strong Vincent.</p> <p>24 Q. Oh. Okay. So you started the year at Sarah Reed</p> <p>25 and went from Sarah Reed to Strong Vincent, and then to</p>	<p>Page 33</p>

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<p>1 Hermitage.</p> <p>2 A. No. I went -- I was at Sarah Reed, then I went to</p> <p>3 Hermitage, and then they sent me to Strong Vincent.</p> <p>4 Q. I thought you said you went to Hermitage because</p> <p>5 you assaulted an officer at Strong Vincent.</p> <p>6 A. I did.</p> <p>7 Q. Okay. It must be me, then. You began the school</p> <p>8 year at Sarah Reed, right?</p> <p>9 A. Yeah.</p> <p>10 Q. Then you left Sarah Reed and went somewhere to</p> <p>11 school. Correct?</p> <p>12 A. Yeah.</p> <p>13 Q. Why did you leave Sarah Reed?</p> <p>14 A. I don't remember.</p> <p>15 Q. But you think you went from Sarah Reed to Strong</p> <p>16 Vincent?</p> <p>17 A. No. I went to Sarah Reed, to Hermitage, then</p> <p>18 Strong Vincent.</p> <p>19 Q. So why did you go from Sarah Reed to Hermitage,</p> <p>20 then?</p> <p>21 A. What?</p> <p>22 Q. I want to know why you transferred from Sarah Reed</p> <p>23 to Hermitage. What event occurred to make that happen?</p> <p>24 A. I don't know.</p> <p>25 Q. While you were at Sarah Reed, did you have any</p>	Page 34	<p>1 MR. OLDS: Do you want to take a little break? I</p> <p>2 think it was. I mean, we can get the chronology</p> <p>3 from the school records. But I think that that</p> <p>4 was the chronology.</p> <p>5 MR. MARNEN: All right. Why don't we take a</p> <p>6 break, and I'll look at those records.</p> <p>7 (Recess held from 10:56 a.m. till 11:12 a.m.)</p> <p>8 BY MR. MARNEN:</p> <p>9 Q. During the break, R [REDACTED], I pulled out some</p> <p>10 documents that may help both of us work this out. Okay?</p> <p>11 A. Yeah.</p> <p>12 Q. Let's see. We marked E today, so this is</p> <p>13 Defendant's Exhibit F.</p> <p>14 (Defendant's Deposition Exhibit F and G</p> <p>15 marked for identification.)</p> <p>16 Q. I'm going to give you these together, R [REDACTED]. And</p> <p>17 you may not have seen these documents, but they may help</p> <p>18 your memory. You never know. And Defendant's Exhibit H.</p> <p>19 (Defendant's Deposition Exhibit H and I</p> <p>20 marked for identification.)</p> <p>21 Q. So if we take these in order, R [REDACTED], Defendant's</p> <p>22 Exhibit F on its face, in any event, is a Student Assignment</p> <p>23 Form of the Erie School District. And it's dated August 5,</p> <p>24 2002, you'll see. And in the middle of the page it says,</p> <p>25 "Effective date: August 26th, 2002."</p>
<p>1 physical difficulties with anybody?</p> <p>2 A. Yeah.</p> <p>3 Q. Did you get in any fights?</p> <p>4 A. Yeah.</p> <p>5 Q. Did you get into physical difficulties with staff?</p> <p>6 Teachers or counselors?</p> <p>7 A. Yeah.</p> <p>8 MR. OLDS: Did you say yes? I didn't hear you.</p> <p>9 THE WITNESS: Yeah.</p> <p>10 Q. Were those difficulties what caused you to go to</p> <p>11 Hermitage House?</p> <p>12 A. No. I went to Hermitage House because I assaulted</p> <p>13 a police officer and my principal at Strong Vincent.</p> <p>14 Q. Were you at Hermitage House before Strong Vincent</p> <p>15 and after Strong Vincent?</p> <p>16 A. No, I only been there once.</p> <p>17 MR. OLDS: It must have been after -- I mean, it</p> <p>18 must have been after she was at Strong Vincent.</p> <p>19 Q. So you must have gone from Sarah Reed to Strong</p> <p>20 Vincent. I'm trying to get the order of things right, is</p> <p>21 all I'm trying to do. And I think you said the first school</p> <p>22 was Sarah Reed. And I think the next school, then, was</p> <p>23 Strong Vincent? In eighth grade.</p> <p>24 A. (No response.)</p> <p>25 Q. I guess you don't know.</p>	Page 35	<p>1 (Discussion held off the record.)</p> <p>2 MR. OLDS: Yeah, that's what the document says.</p> <p>3 Q. And above that, R [REDACTED], it says, "New assignment,</p> <p>4 Sarah Reed Children's Center." And then the home school is</p> <p>5 Strong Vincent. Do you see that?</p> <p>6 (Discussion held off the record.)</p> <p>7 A. Yeah, I see it.</p> <p>8 Q. Yes. So that's suggesting to me -- and I'm not</p> <p>9 saying this is true. But it's suggesting to me that while</p> <p>10 you were assigned to Strong Vincent for -- at the beginning</p> <p>11 of eighth grade, you actually attended Sarah Reed in the</p> <p>12 beginning. But I may be wrong. Does that ring any bells</p> <p>13 for you?</p> <p>14 MR. OLDS: I think she said that she started off</p> <p>15 at Sarah Reed that year.</p> <p>16 MR. MARNEN: Yes, she did. Okay.</p> <p>17 Q. And then Exhibit G -- I'm taking these in</p> <p>18 chronologic order.</p> <p>19 MR. OLDS: That would be this one right here</p> <p>20 (indicating).</p> <p>21 Q. And if you look at the second page, it is a letter</p> <p>22 from a Patty Lee at Andromeda House.</p> <p>23 (Discussion held off the record.)</p> <p>24 Q. And she is sending this to someone named Becky.</p> <p>25 And I don't know who B [REDACTED] is affiliated with. But it looks</p>

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<p style="text-align: right;">Page 38</p> <p>1 like she's asking for some school records. Now, if you look 2 at the letter, she is asking for school records. So it 3 would appear that in January of '03, around that time, you 4 might have started at Andromeda House. Does that ring any 5 bells with you?</p> <p>6 (Discussion held off the record.)</p> <p>7 A. (No response.)</p> <p>8 Q. Now, I think during your testimony, you did not 9 mention Andromeda House. That's fine. I'm trying to work 10 through this.</p> <p>11 MR. OLDS: She actually did. She didn't pronounce 12 it right, but she did. She said "Drama".</p> <p>13 Q. The next document is Exhibit H. And that is an 14 IEP. And somewhere there is -- yeah. Andromeda House is on 15 the first page. It says your -- Mr. Olds is pointing to it.</p> <p>16 The school building at that time was Andromeda House. So 17 the date of this is February 11, 2003.</p> <p>18 (Discussion held off the record.)</p> <p>19 Q. So it looks like in early '03, you might have been 20 at Andromeda House. Does that sound right? Is this doing 21 anything for your memory? If it's not, please tell me. I'm 22 not trying to force anything down your throat here.</p> <p>23 A. No. No.</p> <p>24 Q. Then if you look at Exhibit I, that seems to be 25 dated October 14, 2003. There's a rubber-stamp date in the</p>	<p style="text-align: right;">Page 40</p> <p>1 where the police officer took you home after you struck the 2 principal?</p> <p>3 A. After that incident?</p> <p>4 Q. Yes.</p> <p>5 A. Yeah.</p> <p>6 Q. What have those problems been?</p> <p>7 A. Being arrested, you mean?</p> <p>8 Q. Yes.</p> <p>9 A. Being taken away, being detained.</p> <p>10 Q. Yes, that's what I'm asking you about.</p> <p>11 A. Being detained. I got arrested and being 12 detained.</p> <p>13 Q. For doing what? What were you charged with?</p> <p>14 A. Underage drinking. Threatening to hit an officer.</p> <p>15 Q. Threatening to hit an officer?</p> <p>16 A. Um-hum. Running from an officer. I don't 17 remember.</p> <p>18 MR. OLDS: Was there a theft?</p> <p>19 THE WITNESS: A theft? I was there -- I was at a 20 store when somebody was stealing.</p> <p>21 Q. Were you charged with stealing anything?</p> <p>22 A. Yeah, theft.</p> <p>23 Q. Were these four charges, did they arise out of the 24 same set of events, or did they -- were they different 25 times? I didn't say that very well. Let me try that again.</p>
<p style="text-align: right;">Page 39</p> <p>1 upper right-hand corner.</p> <p>2 MR. OLDS: This would be the fall.</p> <p>3 Q. That's the fall of the following year. Abraxas.</p> <p>4 (Discussion held off the record.)</p> <p>5 Q. R_____ you did tell me you were in ninth grade at 6 Abraxas for a while. So that's consistent with what you 7 said before. These are the only documents I have, so there 8 are a lot of gaps. Have you been at both Andromeda House 9 and Hermitage House in the past?</p> <p>10 A. Yeah.</p> <p>11 Q. Do you think you were at both of them during 12 eighth grade? Or just one?</p> <p>13 A. I'm not sure.</p> <p>14 Q. When you went to Andromeda House and Hermitage 15 House, what kinds of things caused you to go there, if you 16 know?</p> <p>17 A. Hitting -- I mean, assaulting an officer --</p> <p>18 Q. That's that Strong Vincent incident.</p> <p>19 A. Yeah.</p> <p>20 Q. Okay.</p> <p>21 A. And Drama House, I don't really -- I don't really 22 know why I was there.</p> <p>23 Q. Okay. Have you at any time after seventh grade at 24 Strong Vincent been involved in any -- have you had any 25 police problems, besides the incident at Strong Vincent</p>	<p style="text-align: right;">Page 41</p> <p>1 It's possible, I guess, that you could be underage 2 drinking, be approached by a police officer, you could 3 threaten him and run from him. Did that all happen at one 4 time --</p> <p>5 A. No.</p> <p>6 Q. -- or did it happen at different times?</p> <p>7 A. Different times. Are you asking me what all I 8 have been charged with?</p> <p>9 Q. Yes.</p> <p>10 A. I broke a screen in Sarah Reed. I don't really 11 remember anything else.</p> <p>12 Q. Were you charged with underage drinking?</p> <p>13 A. Yeah.</p> <p>14 Q. Were you charged with threatening to hit a police 15 officer?</p> <p>16 A. I was -- when I hit the officer; the officer at 17 Strong Vincent.</p> <p>18 Q. That's at Strong Vincent.</p> <p>19 A. Yeah.</p> <p>20 Q. How about running from the officer? Is that the 21 same officer?</p> <p>22 A. No.</p> <p>23 Q. Different time?</p> <p>24 A. Yeah.</p> <p>25 Q. Why were you running from the police officer? It</p>

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<p>1 was a police officer, I gather.</p> <p>2 A. Yeah. I don't remember why. I guess I was really</p> <p>3 mad.</p> <p>4 Q. Was it in school or someplace else?</p> <p>5 A. No. It was somewhere else.</p> <p>6 Q. And the theft, that occurred in a store?</p> <p>7 A. In Kaufmann's.</p> <p>8 Q. Someone you were with --</p> <p>9 A. Yeah.</p> <p>10 Q. -- shoplifted?</p> <p>11 A. Yeah. Two people.</p> <p>12 Q. Two people shoplifted?</p> <p>13 A. Uh-huh.</p> <p>14 Q. You did not shoplift.</p> <p>15 A. No.</p> <p>16 Q. But you were charged.</p> <p>17 A. Yeah. Because I was with them when they did it.</p> <p>18 Q. Have you been at the courthouse for any of these</p> <p>19 things?</p> <p>20 A. Yeah, I -- for hitting the officer.</p> <p>21 Q. Have you had a probation officer in the past?</p> <p>22 A. Julie Strickenberg.</p> <p>23 Q. And what was the charge that she was your</p> <p>24 probation officer for?</p> <p>25 A. Hitting the officer and running from the officer.</p>	<p>Page 42</p> <p>1 A. Assaulting a kid.</p> <p>2 Q. Did you assault a kid?</p> <p>3 A. Yeah.</p> <p>4 Q. When did you do that?</p> <p>5 A. In January. I think.</p> <p>6 Q. January of this year?</p> <p>7 THE WITNESS: January?</p> <p>8 A. Yeah.</p> <p>9 Q. Where were you in school at that time?</p> <p>10 A. North East.</p> <p>11 Q. Was the kid a boy or a girl?</p> <p>12 A. Boy.</p> <p>13 Q. Please tell me the circumstances of that incident.</p> <p>14 A. He is always bothering me, and just -- he made</p> <p>15 a -- he made -- he always makes -- he made a comment that I</p> <p>16 didn't like. And he's always touching me. Like he'll punch</p> <p>17 me. I know he's playing around, but I didn't like it. And</p> <p>18 I just kind of held it in, and I just let it out once that</p> <p>19 he made a comment that I didn't like.</p> <p>20 Q. Where did you punch him?</p> <p>21 A. In the face.</p> <p>22 Q. Did you draw blood?</p> <p>23 A. No.</p> <p>24 Q. You ended up being charged for that?</p> <p>25 A. Yeah.</p>
<p>1 Q. That's the hitting the officer at Strong Vincent</p> <p>2 event.</p> <p>3 A. Yeah.</p> <p>4 Q. Before seventh grade at Strong Vincent, were you</p> <p>5 ever charged with committing a crime?</p> <p>6 A. Can you explain --</p> <p>7 Q. Before you went to Strong Vincent in 2002, were</p> <p>8 you ever charged with committing a crime?</p> <p>9 A. No.</p> <p>10 Q. In ninth grade, you said you were at Edmund L.</p> <p>11 Thomas a number of times. My notes say four times. But you</p> <p>12 may not remember that. Tell me about the reasons you went</p> <p>13 to Edmund L. Thomas on those four occasions.</p> <p>14 A. Violating probation. And basically not listening</p> <p>15 to the rules.</p> <p>16 Q. At the institution where you were going to school,</p> <p>17 you mean?</p> <p>18 A. Huh? No, just probation. And I was on house</p> <p>19 arrest, and I violated house arrest.</p> <p>20 Q. Oh, okay. Was that the probation for threatening</p> <p>21 the officer at Strong Vincent?</p> <p>22 A. Yeah.</p> <p>23 Q. That's the only time you have been on probation?</p> <p>24 A. No. I'm on probation now.</p> <p>25 Q. What are you on probation now for?</p>	<p>Page 43</p> <p>1 Q. Is your probation officer Julie Strickenberg for</p> <p>2 that one too?</p> <p>3 A. No.</p> <p>4 Q. Who is your probation officer there?</p> <p>5 A. Dave or David something.</p> <p>6 Q. Last name?</p> <p>7 A. I don't know.</p> <p>8 Q. What was your punishment for the assault on the</p> <p>9 boy in school?</p> <p>10 A. I think just probation.</p> <p>11 Q. Have you been on probation for anything else</p> <p>12 besides threatening the police officer at Strong Vincent and</p> <p>13 striking the boy at North East High School?</p> <p>14 A. No.</p> <p>15 Q. My notes say you told me that you were at Edmund</p> <p>16 L. Thomas four times in ninth grade. Those were all for</p> <p>17 probation violations?</p> <p>18 A. Fighting, underage drinking, and not going to</p> <p>19 school.</p> <p>20 Q. Did you get on probation for fighting or underage</p> <p>21 drinking or not going to school?</p> <p>22 A. No, but they kept extending my time, because I was</p> <p>23 doing those things.</p> <p>24 Q. At Thomas?</p> <p>25 A. Huh?</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. Extending your time at Thomas, you mean?</p> <p>2 A. No.</p> <p>3 Q. Extending your probation. Well, I wandered off on</p> <p>4 a tangent, only to go back to where we were over an hour</p> <p>5 ago, I think. And I may, in the course of this, R [REDACTED] ask</p> <p>6 questions that I have asked before, and I really don't mean</p> <p>7 to do that intentionally. It's just because my memory is</p> <p>8 not perfect either.</p> <p>9 You told me that, as I remember, that you had</p> <p>10 difficulties with B [REDACTED] C [REDACTED] in a class where your class</p> <p>11 and her class got together to listen to a speaker or watch a</p> <p>12 movie; one of the two.</p> <p>13 A. Yeah.</p> <p>14 Q. And she wanted to fight you.</p> <p>15 A. Yeah.</p> <p>16 Q. What, if you know, caused that to happen? Did</p> <p>17 something happen? Did you bump into her or anything?</p> <p>18 What --</p> <p>19 A. No.</p> <p>20 Q. Just out of the blue, she said she wanted to fight</p> <p>21 you?</p> <p>22 A. Yeah.</p> <p>23 Q. What exactly did she say, if you remember?</p> <p>24 A. There was a couple times. When we were in the gym</p> <p>25 room, she said, we're going to get -- I'm going to give you</p>	<p>1 hallway outside the gym.</p> <p>2 A. Yeah.</p> <p>3 Q. In the gym, she said she was going to give you</p> <p>4 head up after school?</p> <p>5 A. Yeah.</p> <p>6 Q. What about the time in the hallway outside the</p> <p>7 gym? What did she say then?</p> <p>8 A. Well, this boy came out of her gym and said, hey,</p> <p>9 this girl wants to give you head.</p> <p>10 Q. Wants to give you what?</p> <p>11 A. Head.</p> <p>12 Q. What does that mean?</p> <p>13 A. Oral sex.</p> <p>14 Q. Was that before or after the assault by B [REDACTED] and</p> <p>15 K [REDACTED]?</p> <p>16 A. Yeah, I think it was.</p> <p>17 MR. OLDS: He said before or after.</p> <p>18 Q. Before or after. You have a choice here.</p> <p>19 A. Oh. After.</p> <p>20 Q. After. So it wasn't C [REDACTED] that said that to</p> <p>21 you, it was someone else?</p> <p>22 A. No, it was B [REDACTED] C [REDACTED].</p> <p>23 Q. Oh. She came out and said that there's a boy in</p> <p>24 there that --</p> <p>25 A. No. The boy came out of her gym room, and she</p>
<p style="text-align: right;">Page 47</p> <p>1 head up after school.</p> <p>2 Q. "Head up" means hitting you?</p> <p>3 A. Fight.</p> <p>4 Q. So now we have two occasions. One is for the</p> <p>5 movie or the speaker, and one for the gym?</p> <p>6 A. No, that -- there was one in the classroom, one in</p> <p>7 the gym, and one in the gym hall.</p> <p>8 Q. In the hallway outside the gym?</p> <p>9 A. Yeah.</p> <p>10 Q. When you were going to Strong Vincent -- I went</p> <p>11 there too, and I know there are two gyms.</p> <p>12 A. Um-hum.</p> <p>13 Q. Right?</p> <p>14 A. Yes.</p> <p>15 Q. Is one for girls and one for boys? They were when</p> <p>16 I was there.</p> <p>17 A. No. I think there's boys in my class.</p> <p>18 Q. Okay. So they mix them now.</p> <p>19 A. Yeah.</p> <p>20 MR. MARNEN: Probably Title 9.</p> <p>21 Q. The first event was the classroom, where she</p> <p>22 wanted to fight you?</p> <p>23 A. That I can remember, yeah.</p> <p>24 Q. All right. And that's all I'm asking for. And</p> <p>25 the other two events were after that. The gym and the</p>	<p>1 told him that this, hey, this girl wants to give you head.</p> <p>2 Q. I see.</p> <p>3 A. Meaning me.</p> <p>4 Q. I see. So the boy was there and you were there,</p> <p>5 and she gestured toward a boy.</p> <p>6 A. Yeah.</p> <p>7 Q. Do you know the boy's name?</p> <p>8 A. No.</p> <p>9 (Discussion held off the record.)</p> <p>10 (Defendant's Deposition Exhibit J</p> <p>11 marked for identification.)</p> <p>12 Q. R [REDACTED] I have marked as Defendant's Exhibit J a</p> <p>13 copy of -- at least a portion of the police report in this</p> <p>14 case that related to the assaults.</p> <p>15 MR. OLDS: Probably -- I don't know if she has</p> <p>16 ever seen this, but --</p> <p>17 MR. MARNEN: She may not have.</p> <p>18 MR. OLDS: Just so -- he might direct your</p> <p>19 attention to something, but you might have never</p> <p>20 seen this. This was the police report that was</p> <p>21 done after the police came and investigated.</p> <p>22 Okay?</p> <p>23 BY MR. MARNEN:</p> <p>24 Q. I guess I'll ask you, have you ever seen it</p> <p>25 before?</p>

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R [REDACTED] P [REDACTED]

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<p>1 A. No.</p> <p>2 Q. I'd like to -- do you notice, R [REDACTED], in the lower</p> <p>3 right-hand corner, there's some page numbers. The very</p> <p>4 first page is PO, and then there are a bunch of zeros</p> <p>5 following --</p> <p>6 MR. OLDS: Right down here (indicating).</p> <p>7 A. Yeah.</p> <p>8 Q. Go to PO-6, if you don't mind.</p> <p>9 A. (Witness complies.)</p> <p>10 Q. And right in the middle of the page -- let me just</p> <p>11 read it aloud to you.</p> <p>12 (Discussion held off the record.)</p> <p>13 Q. "R [REDACTED] related --" do you see that part?</p> <p>14 A. Yeah.</p> <p>15 Q. "R [REDACTED] related to Ms. Cappabianca that B [REDACTED] is</p> <p>16 now taunting her at school, bothering her to perform oral</p> <p>17 sex on other male students.</p> <p>18 "On Monday, January 7, 2002, there was a second</p> <p>19 incident. R [REDACTED] was at the water fountain, and B [REDACTED]</p> <p>20 approached her, asking her to give head to a male student</p> <p>21 that had walked by. Allegedly after R [REDACTED] refused, B [REDACTED]</p> <p>22 shoved her into the stairwell and pushed her to follow the</p> <p>23 male student. R [REDACTED] followed down the stairs in the same</p> <p>24 direction as the male student, but nothing had happened."</p> <p>25 Okay?</p>	Page 50	<p>1 don't mind.</p> <p>2 A. I went out to get a drink of water from gym, and</p> <p>3 Becky came out in the hall with two of her friends, and --</p> <p>4 Q. Who were the two friends?</p> <p>5 A. I don't know.</p> <p>6 Q. Were they girls or boys?</p> <p>7 A. Girls. And then -- then this boy came out of the</p> <p>8 room, her gym room, and she said, hey, this girl wants to</p> <p>9 give you head. And she -- he's like, really? And he's</p> <p>10 like -- and then she was like, yeah; we'll follow you. And</p> <p>11 he started going down the stairs, and she started pushing me</p> <p>12 down -- in the stairway. And when we got down there, he was</p> <p>13 like, well, are you ready; come on. And I said no. And I</p> <p>14 turned around to walk away, and they kept blocking me to go</p> <p>15 up the stairwell.</p> <p>16 And then one of the teachers came out of the</p> <p>17 classroom and told us to get -- get back to class. And then</p> <p>18 when we got back upstairs, the teacher told -- no. I said</p> <p>19 that B [REDACTED] is trying to make me give people head. And she</p> <p>20 said, oh, this happened to my friend before; I understand</p> <p>21 how you feel. And then she told -- she -- she must have</p> <p>22 told Miss Cap I walked out of class. I don't remember me</p> <p>23 walking out of class, but that's what she said. And I got</p> <p>24 PASS that night.</p> <p>25 Q. So let me move back and go a little more slowly.</p>	Page 52
<p>1 A. Yeah.</p> <p>2 Q. Now, does that sound like an event that occurred</p> <p>3 to you with B [REDACTED] C [REDACTED]</p> <p>4 A. Yeah.</p> <p>5 Q. Does that have anything to do with the gym -- the</p> <p>6 two gyms -- the one in the hallway outside the gym, the gym</p> <p>7 itself, or in the class, or is this a fourth event?</p> <p>8 A. No. That's the hallway from the gym.</p> <p>9 Q. So that paragraph describes the hallway incident,</p> <p>10 then.</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. Do you know whether that happened on</p> <p>13 January 7, 2002?</p> <p>14 A. I don't know what date.</p> <p>15 Q. Did it happen after you came back from Christmas</p> <p>16 vacation?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did R [REDACTED] as this indicates, shove you into a</p> <p>19 stairwell --</p> <p>20 MR. OLDS: Not R [REDACTED] but B [REDACTED]</p> <p>21 MR. MARNEN: I'm sorry.</p> <p>22 Q. I apologize. Did B [REDACTED] force you into a</p> <p>23 stairwell, push you into a stairwell?</p> <p>24 A. Yeah.</p> <p>25 Q. Tell me what happened, in your own words, if you</p>	Page 51	<p>1 The boy went down the stairs first?</p> <p>2 A. Yeah.</p> <p>3 Q. And B [REDACTED] pushed you down to follow him.</p> <p>4 A. Yeah.</p> <p>5 Q. So B [REDACTED] was behind you.</p> <p>6 A. Yeah.</p> <p>7 Q. On the stairs.</p> <p>8 A. Um-hum.</p> <p>9 Q. How about the other two girls? What happened to</p> <p>10 them?</p> <p>11 A. They were holding the door.</p> <p>12 Q. The door to the stairwell?</p> <p>13 A. Yeah.</p> <p>14 Q. Holding it closed?</p> <p>15 A. Holding it open.</p> <p>16 Q. Holding it open?</p> <p>17 A. So she could push me down there.</p> <p>18 Q. Oh, okay. Is this one staircase straight down, or</p> <p>19 does it have a landing and turn the corner and go down?</p> <p>20 A. Yeah, like that.</p> <p>21 Q. It has a landing?</p> <p>22 A. Yeah.</p> <p>23 Q. The gym is on the first floor, isn't it?</p> <p>24 A. No. They were taking me down to the basement.</p> <p>25 Q. That's my point. They were going down to the</p>	Page 53

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A000000280

R [REDACTED] P [REDACTED]

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<p>1 basement. What is down there?</p> <p>2 A. There is a couple classrooms, the lunchroom.</p> <p>3 Yeah.</p> <p>4 Q. So if you were going to the cafeteria, that's</p> <p>5 where -- you might go down those stairs?</p> <p>6 A. Yeah.</p> <p>7 Q. And this was during gym class, your gym class.</p> <p>8 A. Yeah.</p> <p>9 Q. What time of day? Before lunch or after?</p> <p>10 A. I can't remember.</p> <p>11 Q. Who was your gym teacher? Miss Acke?</p> <p>12 A. Acke, yeah.</p> <p>13 Q. And at some point in all this, a teacher got</p> <p>14 involved here?</p> <p>15 A. Yeah.</p> <p>16 Q. Who was the teacher?</p> <p>17 A. I don't remember her name. She was a substitute</p> <p>18 for Ms. Acke.</p> <p>19 Q. Oh. She was the gym teacher?</p> <p>20 A. She was the substitute gym teacher.</p> <p>21 Q. That day?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. And did she actually walk into the</p> <p>24 stairwell also?</p> <p>25 A. No. She was in the gym room, but she came out,</p>	Page 54	<p>1 the stairs then?</p> <p>2 A. Yeah. Except for the boy. He went to his</p> <p>3 classroom downstairs.</p> <p>4 Q. He was not in gym stuff; gym --</p> <p>5 A. No. I don't know why he went down there, but --</p> <p>6 Q. So he went to a class in the basement.</p> <p>7 A. Yeah.</p> <p>8 Q. You and B [REDACTED] and the two girls went back up the</p> <p>9 stairs.</p> <p>10 A. Yeah.</p> <p>11 Q. Went through the door and back into the gym?</p> <p>12 A. I didn't go in the gym yet. They did. They went</p> <p>13 in their gym. But the teacher came out before I went in the</p> <p>14 gym and asked me why wasn't I in class.</p> <p>15 Q. So that --</p> <p>16 MR. OLDS: Just so you understand, I think there</p> <p>17 were two gym classes. B [REDACTED] was in one, and she</p> <p>18 was in the other. Is that correct?</p> <p>19 THE WITNESS: Yeah.</p> <p>20 Q. As I remember, when you go to those gyms, you walk</p> <p>21 down the hall, and one gym is on the left, and one is on the</p> <p>22 right.</p> <p>23 A. Yeah.</p> <p>24 Q. So which one was B [REDACTED] in? Left or --</p> <p>25 A. Right.</p>	Page 56
<p>1 and she saw me up there, and she asked me why I was out of</p> <p>2 class.</p> <p>3 Q. Then had you left B [REDACTED] C [REDACTED] and the boy and</p> <p>4 the two girls by then? You had left?</p> <p>5 A. They went back in the gym room.</p> <p>6 Q. Okay. Well, how did you get out of your</p> <p>7 predicament? That's what I'm trying to understand.</p> <p>8 A. When the teacher came out -- when we were in the</p> <p>9 basement, the teacher came out of the classroom and told us</p> <p>10 to get back to class.</p> <p>11 Q. This substitute gym teacher?</p> <p>12 A. No. The teacher downstairs.</p> <p>13 Q. Oh, okay. Was that a man or a woman?</p> <p>14 A. A man.</p> <p>15 Q. Name?</p> <p>16 A. I don't know.</p> <p>17 Q. He came -- he just happened to come out?</p> <p>18 A. Yeah. He -- yeah.</p> <p>19 Q. And he told you to get back in class.</p> <p>20 A. Yeah.</p> <p>21 Q. Were you all wearing gym outfits?</p> <p>22 A. Yeah.</p> <p>23 Q. So he could tell you were gym kids at that time.</p> <p>24 A. Yeah.</p> <p>25 Q. All right. Did that cause everybody to go back up</p>	Page 55	<p>1 Q. You were in left?</p> <p>2 A. Yeah.</p> <p>3 Q. So B [REDACTED] and the other girls were ahead of you,</p> <p>4 and they went to the right?</p> <p>5 A. Yeah.</p> <p>6 Q. And then you dabbled a little bit out there in the</p> <p>7 hallway?</p> <p>8 A. Yeah. And then the teacher came out.</p> <p>9 Q. And told you to get back in the gym.</p> <p>10 A. No. She asked me why was I out of class.</p> <p>11 Q. Okay. What did you say?</p> <p>12 A. I didn't respond to the question. I just said,</p> <p>13 Becky is trying to make me give head to people.</p> <p>14 Q. And she said?</p> <p>15 A. Well, I know how you feel, because this happened</p> <p>16 to my friend.</p> <p>17 Q. The gym teacher said that?</p> <p>18 A. Yeah.</p> <p>19 Q. Did she say anything else to you?</p> <p>20 A. No.</p> <p>21 Q. What did you then do?</p> <p>22 A. I just went back to class. And then eventually</p> <p>23 Miss Cap wanted to talk to me, and she said I have PASS.</p> <p>24 Q. Is "Miss Cap" Miss Cappabianca?</p> <p>25 A. Yeah.</p>	Page 57

<p>1 Q. Did everybody call her Miss Cap?</p> <p>2 A. Yeah.</p> <p>3 Q. So Miss Cappabianca -- I'm sorry, I lost track.</p> <p>4 What did she do then?</p> <p>5 A. She said I have PASS.</p> <p>6 Q. When did she say that?</p> <p>7 A. That day that I went to go get a drink of water.</p> <p>8 Q. All right. Where were you when she told you that?</p> <p>9 A. In her office.</p> <p>10 Q. Were you summoned to her office?</p> <p>11 A. Yeah.</p> <p>12 Q. Now, some of your classes were on the second floor, weren't they?</p> <p>13 A. Yeah.</p> <p>14 Q. Do you know east, west, north, south on that building?</p> <p>15 A. No.</p> <p>16 Q. Was it the side of the building that's closest to where the Laundromat was located?</p> <p>17 A. Where her classroom -- I mean, where her --</p> <p>18 Q. No, where your classes were. Most of them.</p> <p>19 A. It was in the back. It was in the back.</p> <p>20 Q. Was Miss Cappabianca's office in the same area as some of your classes?</p> <p>21 A. Yeah. Miss Manus and Miss Scully and Miss Gray.</p>	<p>Page 58</p>	<p>1 told me that you need to suck it up and ignore it. Another time she just, like, kind of made noises -- noises with her mouth to stop me from what I was going to say. And then there was another time that she says, I know what happened. And there was another time she called my dad when I went to her office to tell her.</p> <p>7 Q. Okay. But on the day with the stairwell event --</p> <p>8 A. Yeah.</p> <p>9 Q. -- you did not tell her what -- am I understanding</p> <p>10 you correctly, you did not tell her what Becky and the other</p> <p>11 kids had done?</p> <p>12 A. No. Not that day.</p> <p>13 Q. Okay. If you go back to Exhibit J, please. And</p> <p>14 the very next paragraph after the one that I read to you</p> <p>15 before on Page PO-6.</p> <p>16 (Discussion held off the record.)</p> <p>17 Q. I'm going to read it to you so we can go -- it</p> <p>18 will force us to go slowly through it.</p> <p>19 "The third incident that Ms. Cappabianca found out</p> <p>20 about by interviewing all of the listed students was that</p> <p>21 also on Monday, 1/7/02, after PASS, C [REDACTED] B [REDACTED] and an</p> <p>22 unknown male student had left PASS. They both went into the</p> <p>23 Frontier Village Laundromat, where R [REDACTED] P [REDACTED] was.</p> <p>24 R [REDACTED] was there changing her clothes and waiting for her</p> <p>25 father to pick her up. While in an alcove of the building,</p>
<p>1 Q. Okay. The classes you had with Miss Manus, Miss Scully, and Miss Gray were in the same hallway as Miss Cappabianca's office?</p> <p>4 A. And my music.</p> <p>5 Q. And your music teacher too. Okay. So did Miss Cappabianca tell you this after gym class was over?</p> <p>7 A. I don't remember when.</p> <p>8 Q. But at some point she summoned you to her office?</p> <p>9 A. Yeah. That day.</p> <p>10 Q. And informed you that you had PASS.</p> <p>11 A. Yeah.</p> <p>12 Q. Did she tell you why you had PASS?</p> <p>13 A. Because I walked out of class. Which I asked to get a drink.</p> <p>15 Q. All right. Did you tell her that?</p> <p>16 A. Yeah.</p> <p>17 Q. What did she say?</p> <p>18 A. She didn't respond.</p> <p>19 Q. Did you discuss with her what B [REDACTED] and her friends had done in the stairwell?</p> <p>21 A. I tried, but she -- she wouldn't let me.</p> <p>22 Q. Okay. As best you remember, tell me what you said to her and what she said to you in regard to that.</p> <p>24 A. Well, I didn't say anything that time, but every -- when I did try, she just kind of -- well, once she</p>	<p>Page 59</p>	<p>1 the unknown male student had forced R [REDACTED] to sit down, and</p> <p>2 then he put his hands up under her shirt and pushed her hair</p> <p>3 back away from her face. This male then unzipped his pants</p> <p>4 and put his penis on R [REDACTED] face."</p> <p>5 Okay? Does that sound like an event that had</p> <p>6 happened to you?</p> <p>7 A. I don't remember him putting my hair back.</p> <p>8 Q. Otherwise, it sounds like something that happened</p> <p>9 to you?</p> <p>10 A. Yeah.</p> <p>11 Q. This paragraph says it happened on the same day as</p> <p>12 the stairwell incident that we just talked about, but that</p> <p>13 doesn't mean it did. Did it happen the same day?</p> <p>14 A. I don't remember.</p> <p>15 Q. Did it happen after the day that you were</p> <p>16 assaulted by B [REDACTED] and K [REDACTED] and C [REDACTED]</p> <p>17 A. Yeah.</p> <p>18 Q. Did you have PASS that day; the day it happened?</p> <p>19 A. Yeah, I did.</p> <p>20 Q. And PASS, as I understand it, begins typically at</p> <p>21 3:30 p.m.?</p> <p>22 A. Yeah.</p> <p>23 Q. And it ends at 6:30 p.m.?</p> <p>24 A. Yeah.</p> <p>25 Q. And so after PASS is when this happened. Right?</p>

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R [REDACTED] P [REDACTED]

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<p style="text-align: right;">Page 62</p> <p>1 A. Yeah. 2 Q. Did your parents know you had PASS that day? 3 A. Yeah. 4 Q. Had you made arrangements for them to pick you up, or how were you going to get home? 5 A. My dad was going to pick me up. 6 Q. What was the -- what was the deal with him? Where were you going to meet with him? 7 A. At the Laundromat. 8 Q. Did he know, when you made arrangements for him to pick you up, did he know by that time that you had been assaulted by -- 9 A. No. 10 Q. -- B [REDACTED] and K [REDACTED] in that area? 11 A. No. 12 Q. So after PASS, did you walk from PASS over to the Laundromat? 13 A. Yeah. 14 Q. Incidentally, where was PASS conducted in the school? 15 A. In the -- when you go in the school -- 16 Q. In the front door? 17 A. Yeah, in the front doors, you make a right, and there's a couple classrooms for the kids that have PASS. 18 Q. On the first floor?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. You don't have to make a left or a right after that. You just make that right after coming in the door. 2 A. Yeah. 3 Q. And they are on the first floor, aren't they? 4 A. Yeah. 5 Q. Not the basement. 6 A. Not the basement. 7 Q. And not the floor you were on, which is a floor higher. 8 A. Yeah. 9 Q. Okay. Who was your PASS teacher that day? Do you remember? 10 A. I don't remember. 11 Q. When you left PASS, did you leave alone? 12 A. That day, I -- no, I didn't leave alone -- well, yeah, I did. But I -- no, I can't -- no, I think I left alone. 13 Q. And walked down 8th Street to the Laundromat? 14 A. Yeah. 15 Q. And did you walk straight over? 16 A. Yeah. 17 Q. No going off some other place first. 18 A. No. 19 Q. And as you made that walk, you did it alone? 20 A. Yeah.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yeah. 2 Q. Strong Vincent, just to get the lay of the land a little bit here, Strong Vincent has two -- three floors, right? Basement, first floor, second floor. 3 A. I don't remember. 4 Q. Don't you? 5 A. No. 6 Q. Do you remember if the hallways went around in a circle, except it was square; it was like a rectangle? 7 A. I think. 8 Q. When you went in the front door that went to PASS, did you have to turn any corners, or did you just go in the door and make a right and that was it? 9 A. I went downstairs. 10 Q. PASS was downstairs? 11 A. No. I was -- I went -- I was upstairs in my classroom. But to go to PASS, I have to go downstairs on the first floor. 12 Q. Okay. But if you go in the front door and you're going to go to the rooms where PASS are, you go in the front door and just make a right, and they are right there? 13 A. No. You have to -- yeah, well -- I don't know the room numbers, but they are downstairs. You go in the building, and you make a right, and they are there. They are on the right side.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Was it dark? 2 A. Yeah. 3 Q. And no one was with you? 4 A. No. 5 Q. When you got to the Laundromat, what did you do? 6 A. Well, I walked in there, and I sat there for a little bit, because I -- I forgot that I brought my clothes with me. So then I got up -- I went to the bathroom. No, wait. Hold on. Wait, let me start over. Okay. I got out of school from PASS, and then I walked over there, and there was a bunch of boys outside. I did see C [REDACTED] 7 Q. B [REDACTED] 8 A. Um-hum. Yeah. And they -- they called me over. 9 I didn't want to go over there. And there was a lady in the Laundromat watching me. I didn't know her. And somebody pushed me. I don't know who he was, but he pushed me. And they started laughing. I didn't fall. And I went in the Laundromat, and that lady asked me, do I know those people, and I said no. And then -- and she asked me, well, why did they push you. And I said, I don't know. And she said, are you okay, and I said yeah. 10 And then I went to the bathroom, and I changed my clothes. And after I changed my clothes, I came out, and they were still out there. And they -- C [REDACTED] kept going like (indicating); making his hand move.</p>

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Rachel Polancy

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<p>1 Q. You're gesturing kind of a wave toward yourself? 2 A. Yeah. 3 Q. Gesturing for you to come toward him? 4 A. Yeah. And I shook my head no. And I didn't see 5 the other boys out there. And so I just sat there until 6 they left, because I wanted to go to C. [REDACTED] house because 7 I still had time. 8 Q. What is C. [REDACTED] last name? 9 A. A. [REDACTED] 10 Q. A. [REDACTED] 11 A. A. [REDACTED] 12 Q. Any idea how to spell it? 13 A. No. 14 MR. P. [REDACTED] I believe it's A. [REDACTED] 15 [sic]. 16 MR. MARNEN: Might be a J in there? 17 MR. P. [REDACTED] Pardon me? 18 MR. MARNEN: Might be a "J"? Never mind. 19 A. [REDACTED] I, I would guess, but -- 20 MR. P. [REDACTED] Not a J. There's no J in it. 21 Q. Well, in any event, you got it close enough, I 22 think. I'm sorry for interrupting you. 23 MR. OLDS: So you were going to go to -- 24 Q. You were going to go to C. [REDACTED] house. 25 A. Oh. And I sat there and waited till I didn't see</p>	<p>Page 66 1 stairs. And I got up. I started, like -- he -- and then -- 2 I want a break. 3 (Recess held from 12:01 p.m. till 1:47 p.m.) 4 Q. Let's get off that subject we were on before 5 lunch. Just briefly, though, before I leave the area of 6 this (indicating) -- 7 MR. MARNEN: Police report, Ed. 8 Q. At the staircase incident in the school, you know, 9 during gym class when you talked to Miss Cappabianca 10 afterwards and she gave you PASS, you told me, I think, that 11 you did not discuss with Miss Cappabianca what happened in 12 the staircase. 13 A. Yeah. 14 Q. Right? You did not, correct? 15 A. Yeah. 16 Q. Did you try to? 17 A. No, not about the staircase. 18 Q. Did you think about it? Did you actually decide, 19 well, I'm not going to do that, in your own mind, when you 20 were talking to Miss Cappabianca? 21 A. I don't remember what I was thinking. 22 Q. Okay. Do you remember -- now do you remember why 23 you did not bring up the subject with her? 24 A. It's not like she would do anything about it 25 anyways.</p>
<p>1 them. And then I -- and I didn't see anybody out there. 2 And I saw a car pull up in front of the Laundromat. And I 3 couldn't really see. It was dark. And I thought it was my 4 dad. I went out, and it wasn't them, and the car had left. 5 And there -- there was -- I didn't see them when I was in 6 the Laundromat. There was boys on the side of the 7 Laundromat, and there was C. [REDACTED] on the other side. And 8 some other guy that was on the other side of the Laundromat. 9 And I -- and then -- and then the guy on the other 10 side of the Laundromat, not where the pop machines are, but 11 the other side, grabbed my hand and started pulling me 12 towards the back. And I pulled away, and he said, it's 13 okay, just keep -- keep going. And when we went back 14 there -- (Pause). 15 Q. Do you want to take a break? 16 A. No. I want to get this over with. 17 Q. Have you stopped? Are you composing yourself, or 18 are you thinking? 19 A. And then he -- he seen the back of the Laundromat; 20 that there's two doors back there. The one -- the back door 21 to get in the Laundromat, and there's another door to get -- 22 there's an upstairs. I don't know what's up there. But 23 there is an upstairs. And you open -- he opened the door, 24 he started shoving me in the door, and then I tried to get 25 out, but he kept pushing me. And then he shoved me on the</p>	<p>Page 67 1 Q. You did not think she would? 2 A. No. 3 Q. Is that because you had told her before, and she 4 hadn't done anything? 5 A. Yeah. 6 Q. I made some notes when you were talking about the 7 staircase incident. And I -- I think you were listing times 8 when you talked with Miss Cappabianca about the incident. 9 And the first one I made a note on, my note says, "Need to 10 suck it up." That is something that Miss Cappabianca told 11 you at some time? 12 A. You need to suck it up and ignore it. 13 Q. Okay. Let's go back -- I don't want to talk about 14 the assault. All right? I'll make that clear right now. I 15 don't want to talk to you about that. But I do want to know 16 when it happened. 17 A. Which one? The first or the second one? 18 MR. OLDS: The second one being the one in the 19 police report, right? 20 MR. MARNEN: The second one. 21 MR. OLDS: Is that what you consider to be the 22 second assault that we were talking about this 23 morning? 24 THE WITNESS: They were both at the Laundromat. 25 MR. OLDS: We were talking about the second one</p>

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R [REDACTED] P [REDACTED]

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<p>1 this morning, right?</p> <p>2 THE WITNESS: The one we were talking about before</p> <p>3 we took the break, that's the second one.</p> <p>4 MR. OLDS: Right. He wants to know when the</p> <p>5 first --</p> <p>6 Q. I want to know when the first one happened.</p> <p>7 A. In November.</p> <p>8 Q. Before we continue on, on that, did the second one</p> <p>9 happen on January 7th, 2002, as the police report indicates?</p> <p>10 A. On when?</p> <p>11 Q. January 7, 2002.</p> <p>12 A. January?</p> <p>13 Q. Yes.</p> <p>14 A. No, that did not happen --</p> <p>15 MR. OLDS: The second one, not the first.</p> <p>16 Q. The second one.</p> <p>17 A. The second one did not happen in January.</p> <p>18 Q. You know, to be fair with you, I think I covered</p> <p>19 that before lunch, and I think you did say it happened after</p> <p>20 Christmas vacation.</p> <p>21 A. I don't remember it happening in January.</p> <p>22 Q. Okay. When do you think it happened?</p> <p>23 A. Probably the end of December.</p> <p>24 Q. End of December?</p> <p>25 A. Yeah.</p>	Page 70	Page 72
<p>1 Q. Okay. Let's work through this. I'm going to help</p> <p>2 you out a little bit. I'm trying to help you out a little</p> <p>3 bit in your memory. And let me get for you a copy of the</p> <p>4 school calendar.</p> <p>5 A. Okay.</p> <p>6 Q. That may help. And that's Exhibit B. And I'll</p> <p>7 represent to you that's the school calendar for Erie School</p> <p>8 District in 2001/2002. And the pages go in chronological</p> <p>9 order.</p> <p>10 So, Rachel, if we go to December, you will see</p> <p>11 that the Christmas holiday began on -- not counting the</p> <p>12 weekend, it began on December 24th.</p> <p>13 MR. OLDS: So Christmas Eve.</p> <p>14 Q. Christmas Eve.</p> <p>15 MR. OLDS: That's December 24th.</p> <p>16 Q. If you'll look through there, you'll see</p> <p>17 Christmas, of course, you had off. The 26th, 27th, and 28th</p> <p>18 you had off. And if you'll turn the page, you'll see you</p> <p>19 had on January 1st, New Year's Day. But then the first day</p> <p>20 classes are open again or school was open again was</p> <p>21 January 2nd.</p> <p>22 A. That's when we got back?</p> <p>23 Q. Yes.</p> <p>24 A. Then I must have been wrong.</p> <p>25 Q. Okay. Now I forgot what you told me.</p>	Page 71	Page 73

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<p style="text-align: right;">Page 74</p> <p>1 A. My -- I walked home, actually. 2 Q. Did you walk home alone? 3 A. Well, we -- B [REDACTED] was with me, but she -- after 4 halfway home, she just left. 5 Q. Okay. You walked the rest of the way by yourself? 6 A. Yeah. 7 Q. How far did you live from the school? A couple 8 blocks? 9 A. About a block -- I mean, two blocks. 10 Q. Do you remember what time you got home, about? 11 A. Probably like 9:30. 12 Q. Did you go to school the next day? 13 A. Yeah, I did. 14 Q. Did you discuss -- did you discuss the first 15 assault after getting home on the night of the assault? 16 A. No. I didn't discuss it with anybody. 17 Q. With your parents? 18 A. No. 19 Q. No. Did you discuss with your parents the assault 20 at any time before you went to school the day after the 21 assault? 22 A. No. 23 Q. Did you discuss the assault with anyone at school 24 on the day after the assault? 25 A. No, not the day after.</p>	<p style="text-align: right;">Page 76</p> <p>1 wouldn't stop bothering me about giving head. That's what I 2 tried to say, but she wouldn't let me get it out. 3 Q. Were you in her office when you had this attempted 4 conversations with her? 5 A. Yeah. 6 Q. Was anyone else present? 7 A. No. 8 Q. What time of day was it? I don't mean the time, 9 necessarily, but maybe between classes or at lunchtime or 10 before class or after? 11 A. I can't remember. 12 Q. Was the door to her office closed? 13 A. I can't remember. 14 Q. Did you arrange beforehand to see her, or did you 15 just walk in and knock on the door? 16 A. Just walked in. 17 Q. How long were you with her that time? 18 A. I don't remember. 19 Q. As best you remember, if you would just tell me, 20 you knocked on the door first? 21 A. No. 22 Q. No? Just walked in? 23 A. I don't remember knocking on the door. I always 24 just walked in her office. 25 Q. Okay. You just walked in. And tell me what</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Did you at any time after that discuss the assault 2 with anyone at school? 3 A. Can you repeat that? 4 Q. Sure. I think you just testified that the day 5 following the assault, you did not discuss the assault with 6 anyone at school. Correct? 7 A. Yeah. 8 Q. But after that at any time did you discuss the 9 assault with anyone at school? 10 A. I tried to. Miss Cap. 11 Q. When did that happen? 12 A. Probably -- I'm guessing the second or third day. 13 Q. Second or third day after the assault? 14 A. Yeah. 15 Q. Was it still in November, then? 16 A. Probably a Friday or -- 17 Q. I think you said it probably happened the 27th? 18 A. Yeah. 19 Q. So the second and third day would be the 29th and 20 the 30th? 21 A. Right. Either Thursday or Friday. 22 Q. All right. Where were you when you discussed 23 it -- or tried to discuss it with Miss Cappabianca? 24 A. Well, at first I tried to tell her that the kids 25 won't stop bothering -- I tried to tell her the kids</p>	<p style="text-align: right;">Page 77</p> <p>1 happened. 2 A. Well, I just kept trying to tell her, and she just 3 cut me off by making noises with her mouth. 4 Q. What kind of noises? 5 A. Every time I would say something, she would be 6 like (indicating). 7 Q. It was a gesture and a sound that you interpreted 8 as telling you to be quiet? 9 A. Yeah. 10 Q. As best you remember -- and I know it's been four 11 years. And if you can't remember, that's fine. But as best 12 you remember, tell me what you told her; what you did get 13 out. 14 A. I remember telling her, I thought -- these boys 15 won't stop bothering me. I got that out once. 16 Q. Okay. Anything else? 17 A. I tried -- tried to tell her more. And she just 18 kept interrupting me. 19 Q. You testified a couple minutes ago that you were 20 trying to tell her that the boys were bothering you to give 21 head. 22 A. Um-hum. 23 Q. Did you say that to her? 24 A. No. 25 Q. So you did say to her, however, that the boys</p>

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<p>1 would not stop bothering you?</p> <p>2 A. Yeah.</p> <p>3 Q. Was there any other -- any other thought you</p> <p>4 communicated to her besides that?</p> <p>5 A. (No response.)</p> <p>6 Q. Before she interrupted you.</p> <p>7 A. There was times where I --</p> <p>8 Q. I just want to talk about this one time.</p> <p>9 A. I don't know.</p> <p>10 Q. You don't know?</p> <p>11 A. No.</p> <p>12 Q. All right. She cut you off. And what did she do</p> <p>13 besides -- what did she say, if anything, besides cutting</p> <p>14 you off?</p> <p>15 A. Nothing. I just left.</p> <p>16 Q. Were you just in there a couple minutes?</p> <p>17 A. Yeah. I mean, I can't force her to listen to me.</p> <p>18 And I --</p> <p>19 Q. You had been in her office before that time?</p> <p>20 A. No. The -- I think that was my first time.</p> <p>21 Q. My notes say there was a second occasion when you</p> <p>22 tried to talk to her about that subject, and she made noises</p> <p>23 to stop. Or is that the same visit?</p> <p>24 A. She did that a couple times when I tried to tell.</p> <p>25 Q. How many times did you try to -- how many separate</p>	Page 78	Page 80
<p>1 incidents were there where you tried to tell</p> <p>2 Miss Cappabianca that you had been sexually assaulted on</p> <p>3 November 27th?</p> <p>4 A. I don't know.</p> <p>5 Q. Was it more than one time?</p> <p>6 A. Yeah.</p> <p>7 Q. Was it more than two times?</p> <p>8 A. Probably.</p> <p>9 Q. Was it more than three?</p> <p>10 A. Yeah.</p> <p>11 Q. More than four?</p> <p>12 A. I'm not sure. It felt like a lot of times.</p> <p>13 Q. I just need to get a sense of how many times.</p> <p>14 There's a big difference between, for example, three and 20.</p> <p>15 So I want to know, is it less than five or more than five?</p> <p>16 A. 10, 15.</p> <p>17 Q. 10 or 15 times?</p> <p>18 A. Yeah.</p> <p>19 Q. So 10 or 15 separate occasions, you went to see</p> <p>20 Miss Cappabianca at her office?</p> <p>21 A. Yeah.</p> <p>22 Q. Is that where it happened?</p> <p>23 A. Yeah.</p> <p>24 Q. And were you ever able to tell her what happened</p> <p>25 without her interrupting you?</p>	Page 79	Page 81

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<p style="text-align: right;">Page 82</p> <p>1 Q. Were the kids out of PASS yet by the time they 2 finished? 3 A. No, not -- no. Hum-um. 4 Q. Did you go back to PASS? 5 A. No. I went upstairs in Mrs. Cap's office. 6 Q. What happened up there? 7 A. B [REDACTED] was up there with me, and -- 8 Q. B [REDACTED] C [REDACTED]. 9 A. Yeah. 10 Q. And what happened next? 11 A. B [REDACTED] -- or I think B [REDACTED] or Miss Cap said that 12 there's donuts downstairs. And that if -- they asked me if 13 I wanted one, and I said yeah. And B [REDACTED] went downstairs to 14 get me one. And when B [REDACTED] came back up, she said, I heard 15 you said that -- you -- I heard you told Miss Cap that I was 16 trying to make you give head. 17 Q. Was Miss Cappabianca in the room when Becky said 18 this to you? 19 A. Yeah. 20 Q. And what did you say in response to that? 21 A. I said no. 22 Q. You said no, you didn't tell Cappabianca that? 23 A. No, I just said no. 24 Q. What did you mean? 25 A. That I didn't say that. Even though I did. But I</p>	<p style="text-align: right;">Page 84</p> <p>1 you told Cappabianca that C [REDACTED] had forced you to give 2 head, and you said no. 3 A. Yeah. 4 Q. And was that it? That conversation, was that 5 about it? 6 A. Yeah. 7 Q. Did Linda Cappabianca say anything during the time 8 you were in that meeting, in her office with B [REDACTED] C [REDACTED]. 9 A. No. 10 Q. And some point that afternoon, as I understand it, 11 either Miss Woods or Miss Cappabianca told you that they 12 were going to get in touch with your father? Is that what 13 you said? My memory is not working very well lately. 14 A. After the meeting, they -- I mean, not the 15 meeting. After that happened -- I don't remember if she 16 said that there is going to be a meeting tomorrow at that 17 day, or -- I don't remember her saying that there was going 18 to be a meeting. I don't remember. But there was a meeting 19 the next day. 20 Q. So you don't remember whether Miss Cappabianca or 21 Miss Woods said there was going to be a meeting? 22 A. Yeah. 23 Q. What you do remember is there was one. 24 A. Yeah. 25 Q. Okay. Did you attend that meeting?</p>
<p style="text-align: right;">Page 83</p> <p>1 didn't want to -- because I didn't want to get in a fight. 2 Q. What was the point of this, being in the same room 3 with Campbell, if you know? 4 A. I don't know. 5 Q. Did Cappabianca ever explain to you why she 6 brought you up there with C [REDACTED]. 7 A. No. 8 Q. How long were you in the room with C [REDACTED]. 9 A. Until we left for PASS. 10 Q. How long is that? How many minutes? 11 A. Not that long. About 10, 15 minutes. 12 Q. Until you left for what? To go home? 13 A. Yeah. 14 Q. All right. Let me see if I understand this, then. 15 You were taken out of PASS by Linda Cappabianca. You were 16 taken to Janet Woods' office. She's the principal, right? 17 A. Yeah. 18 Q. You were then questioned by Cappabianca and Woods 19 about what happened. And you told them? 20 A. Yeah. 21 Q. And when that was done, Cappabianca took you up to 22 her office, where you met with B [REDACTED] C [REDACTED]. 23 A. Yeah. 24 Q. And the three of you were in the room for a number 25 of minutes, and during that time, C [REDACTED] asked you whether</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Yeah. 2 Q. What time of day was it? 3 A. I think it was in the morning. I think. 4 Q. Was your mom there? 5 A. No. 6 Q. Just your dad? 7 A. Yeah. And Miss Woods and I think Mr. Ruhl, I 8 think. 9 Q. Ruhl, R-U-H-L? 10 A. Yeah. 11 Q. Chris Ruhl? 12 A. Yeah. 13 Q. So Miss Woods, Mr. Ruhl, your father, and you. 14 A. Yeah. 15 Q. Right? No one else? 16 A. Yeah. 17 Q. Okay. Tell me what happened at that meeting. 18 A. Miss Cap told my dad that, your daughter has been 19 giving head. 20 Q. So Linda Cappabianca was also there? 21 A. She said she was going to be, but she was 22 upstairs. 23 Q. All right. So who -- you mean, Miss Woods said 24 that Linda Cappabianca said that -- 25 A. No. Miss Woods told my dad that I was giving</p>

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1 head.	2 Q. Okay. Did she use that word?	1 Q. After you met with the police at their -- met with	
3 A. Yeah.	4 Q. Keep going. Did she say anything else?	2 the sheriffs -- I'm sorry, the sheriff's person at -- where	
5 A. I really wasn't paying attention. I just started	6 crying. And I didn't want to listen. I didn't really pay	3 was that meeting? The Erie Police Department?	
7 attention after that.	8 Q. So you couldn't say what happened the rest of the	4 A. Yeah.	
9 meeting?	10 A. Well, I could, but I don't know -- I wasn't	5 Q. After you had that meeting, did you ever go back	
11 listening to what she was saying.	12 Q. That's what I mean. You weren't listening, so you	6 to Strong Vincent as a student during seventh grade?	
13 wouldn't be able to tell us what was said?	14 A. Yeah.	7 A. Not during seventh grade.	
15 Q. How long did that meeting last?	16 A. I don't think that long.	8 Q. Next time you were there, you were in eighth	
17 Q. Less than an hour?	18 A. Yeah. Probably 30, 35. I'm guessing.	9 grade?	
19 Q. Had you gone to school that day?	20 A. I think they took me out of class, I think.	10 A. Yeah.	
21 Q. Did you at some point in time talk with the	22 police?	11 Q. Did you ever see C [REDACTED] B [REDACTED] A [REDACTED] K [REDACTED]	
23 A. Yeah.	24 Q. Was that the same day or some other day?	12 or B [REDACTED] C [REDACTED] after the day you were in the police	
25 A. I don't remember. I know if I did, it would be	13 station?	14 A. I saw B [REDACTED] on the day I saw -- on the day I went	
Page 87		15 to the police station. She was there.	
1 after that day.	2 Q. Do you think it was the same week as you talked	16 Q. Okay. Did you ever see her after that day?	
3 with -- you had this meeting with Miss Woods and Chris Ruhl?	4 A. Yeah, I think so.	17 A. In a hearing.	
5 Q. And where did the meeting with the police take	6 place?	18 Q. Her hearing?	
7 A. At the police station.	8 Q. Who was the police officer you talked with?	19 A. Yeah. I was testifying, and she was there.	
9 A. It was a sheriff. I don't remember her name.	10 Q. It was a woman?	20 Q. I see. Do you know whether that was the hearing	
11 A. Yeah.	12 Q. Pamela Barber?	21 concerning the charges brought against her?	
13 A. That sounds familiar.	14 Q. Familiar? Why do you think she was a sheriff?	22 A. I can't remember.	
15 A. I knew she was. She told me.	16 Q. Not an Erie Police Department officer?	23 Q. In any event, you were both at a hearing together?	
17 A. No.	18 Q. Have you ever spoken with Detective Stanley Green?	24 A. Yeah.	
19 A. I don't remember.	20 Q. You remember Pamela Barber, though.	25 Q. One time?	
21 A. Yeah.	22 Q. Was that the only time you talked with the police,	Page 89	
23 just that one time?	24 A. I think so. I spent a long time there. I don't	1 A. Yeah.	2 Q. Was that the last time you saw Becky?
25 know if I went back. I can't remember.	26 Q. Do you think it was the same week as you talked	3 A. Yeah.	4 Q. Did you ever see C [REDACTED] B [REDACTED] again after you
	27 with -- you had this meeting with Miss Woods and Chris Ruhl?	5 went to the police?	6 A. I saw him at the mall last year.
	28 A. Yeah, I think so.	7 Q. Is that the only time?	7 A. Saw him at Top's before I -- before my dad -- my
	29 Q. And where did the meeting with the police take	8 parents knew about what happened.	9 A. I'm talking about after you were interviewed by
	30 place?	10 the police -- the sheriff's officer at the Erie Police	11 the police -- the sheriff's officer at the Erie Police
	31 A. At the police station.	12 Department. You saw C [REDACTED] B [REDACTED] at the mall one time?	13 A. Yeah.
	32 Q. Who was the police officer you talked with?	14 Q. Ever see him again?	14 A. No.
	33 A. It was a sheriff. I don't remember her name.	15 Q. And B [REDACTED], did you ever see her after you saw her	16 Q. No.
	34 Q. It was a woman?	17 down at the police department, aside from that hearing?	17 Q. A [REDACTED] K [REDACTED], have you ever seen him since the
	35 A. Yeah.	18 A. No.	19 day of the assault?
	36 Q. Pamela Barber?	20 A. The hearing. I mean, at the hearing.	20 Q. A [REDACTED] K [REDACTED], have you ever seen him since the
	37 A. That sounds familiar.	21 Q. Is that the only time?	21 day of the assault?
	38 Q. Familiar? Why do you think she was a sheriff?	22 A. Yeah.	22 Q. Did you tell either your mom or your dad before
	39 A. I knew she was. She told me.	23 A. Yeah.	23 Janet Woods made that statement in that meeting about giving
	40 Q. Not an Erie Police Department officer?	24 Q. Did you tell either your mom or your dad before	24
	41 A. No.	25 Janet Woods made that statement in that meeting about giving	25
	42 Q. Have you ever spoken with Detective Stanley Green?		
	43 A. I don't remember.		
	44 Q. You remember Pamela Barber, though.		
	45 A. Yeah.		
	46 Q. Was that the only time you talked with the police,		
	47 just that one time?		
	48 A. I think so. I spent a long time there. I don't		
	49 know if I went back. I can't remember.		

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<p style="text-align: right;">Page 90</p> <p>1 head, did you ever tell your parents before that day about 2 the assault? 3 A. No. 4 Q. About either one of the assaults? 5 A. No. 6 Q. Why not? 7 A. I was -- I thought they were going to be mad. 8 Q. Did you have a specific reason for thinking they 9 might be mad, or was it just a general fear? Let me restate 10 that. Had they ever done anything or said anything before 11 that led you to believe that they might be mad if you told 12 them that? 13 A. No. I just felt like it was my fault. 14 Q. Why did you think it was your fault? 15 A. Because nobody was doing anything about it. 16 Q. Well, you went home -- you told us you went home 17 the evening of the assault and did not tell your parents. 18 Correct? 19 A. Yeah. 20 Q. Why didn't you tell them that night? 21 A. I was too scared. 22 Q. What were you afraid of? 23 A. It's kind of nerve-racking when something happens 24 to you like that. 25 Q. Why was it you tried to tell Linda Cappabianca</p>	<p style="text-align: right;">Page 92</p> <p>1 Mr. Ruhl besides -- well, strike that. During the meeting 2 when Jan Woods said what she said about your giving head, 3 during that meeting, did Mr. Ruhl say anything you could 4 remember and repeat for us? 5 A. I can't remember. 6 Q. All right. Did you ever have a meeting with Mr. 7 Ruhl at any time besides that meeting that day? 8 A. No. 9 Q. Did you even know who he was? 10 A. No, I didn't know him. 11 Q. Did you ever have a conversation before that day 12 with Janet Woods, the principal? 13 A. No. Not one on one. 14 Q. Not one on one? 15 A. Hum-um. 16 Q. Under what circumstances had -- had you ever heard 17 her speak; Janet Woods? 18 A. Yeah. 19 Q. Was that at like meetings or something like that? 20 A. In front of the school. 21 Q. Right. 22 A. It was -- the kids were going to go in the 23 auditorium. She speaks. 24 Q. Okay. Did you ever have a class meeting your 25 first year there at Strong Vincent about -- where the</p>
<p style="text-align: right;">Page 91</p> <p>1 about it, but you did not try to tell your parents about it? 2 A. Because I thought she could do something about it, 3 because she's -- 4 Q. What did -- go ahead, I'm sorry. 5 A. Because she's there at the school. 6 Q. When Linda Cappabianca would not discuss the 7 subject with you, did you try to talk with anyone else at 8 the school about it? 9 A. That substitute lady. I didn't tell her. I 10 told -- I just said that B [REDACTED] is trying to make me give 11 head to people. 12 Q. That was the day of the stairway incident? 13 A. Yeah. 14 Q. What did she -- I don't know if you described this 15 before. What did she say in response? 16 A. She said, oh, that happened to me once; I know 17 what -- 18 Q. Oh, right. Do you remember being in the SAP 19 program at Strong Vincent? 20 A. No. 21 Q. The Student Assistance Program? 22 A. (Witness shakes head.) 23 Q. You don't remember that? 24 A. No. 25 Q. Did you at any time ever have a conversation with</p>	<p style="text-align: right;">Page 93</p> <p>1 subject discussed was kids bothering other kids or students 2 bothering other students? 3 A. Yeah. When the kids went in the auditorium. 4 Q. Was that your grade that had that, or was it all 5 the grades together? 6 A. I'm not sure. 7 Q. Were there speakers at that meeting? 8 A. Alls I remember is Miss Woods talking and this man 9 talking. 10 Q. Do you remember the man's name? 11 A. No. 12 Q. Did he have a uniform on? 13 A. I can't remember. 14 Q. Did Ms. Woods talk -- she talked about kids 15 bothering kids, though? 16 A. Yeah. 17 Q. Did she encourage kids to come and see her if you 18 were bothered? 19 A. Yeah. 20 Q. Did you remember that, after that? 21 A. Yeah. 22 Q. So why didn't you go see Ms. Woods? She had made 23 an offer to you. 24 A. Because she also put Miss Cap's name in it too. 25 Q. She said come and see Miss Cappabianca or see me,</p>

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R [REDACTED] P [REDACTED]

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<p>1 you mean?</p> <p>2 A. Yeah.</p> <p>3 Q. But Miss Cappabianca was giving you no</p> <p>4 satisfaction, right?</p> <p>5 A. What do you mean?</p> <p>6 Q. You were trying to talk to her, and she wouldn't</p> <p>7 listen to you.</p> <p>8 A. Yeah.</p> <p>9 Q. So why not see Miss Woods?</p> <p>10 A. I didn't think of it.</p> <p>11 Q. Do you remember Miss Woods at cafeteria time</p> <p>12 coming around and sitting down and talking to kids?</p> <p>13 A. No, I don't remember.</p> <p>14 Q. Don't remember anything like that?</p> <p>15 A. No.</p> <p>16 Q. Do you remember her ever talking at cafeteria time</p> <p>17 about kids bothering kids?</p> <p>18 A. I don't remember that either.</p> <p>19 Q. No? All right. Did you have a guidance counselor</p> <p>20 assigned to you?</p> <p>21 A. Yeah. I don't remember her name, though.</p> <p>22 Q. It was a woman?</p> <p>23 A. Yeah.</p> <p>24 Q. It wasn't Mr. Bufalino?</p> <p>25 A. I remember having a female counselor. I'm not</p>	Page 94	<p>1 Q. Did you tell her who they were?</p> <p>2 A. I said C [REDACTED] and B [REDACTED]</p> <p>3 Q. Did you tell her that you had been sexually</p> <p>4 assaulted on November 27th?</p> <p>5 A. No.</p> <p>6 Q. Did you tell her that since that assault, B [REDACTED]</p> <p>7 was trying to bully you into doing the same thing on other</p> <p>8 boys?</p> <p>9 A. No. I just said she's bothering me.</p> <p>10 Q. Was there a reason you didn't get more specific</p> <p>11 than that?</p> <p>12 A. I didn't really feel comfortable.</p> <p>13 Q. Okay. What did she say, if anything, in response</p> <p>14 to your complaint?</p> <p>15 A. Well, she -- she -- after PASS, she came and --</p> <p>16 came to see me, and --</p> <p>17 Q. She came to your house?</p> <p>18 A. No. After PASS, she went in my classroom to go</p> <p>19 get me. And she -- we stayed in the school until they left,</p> <p>20 because there -- people were waiting outside for me. And we</p> <p>21 just -- she just stayed in the school with me until they</p> <p>22 left, so I can go walk to the Laundromat.</p> <p>23 Q. Did she ever tell you she was going to do</p> <p>24 something about it?</p> <p>25 A. No.</p>	Page 96
<p>1 sure if she was my guidance counselor or not.</p> <p>2 Q. Did you ever talk to her?</p> <p>3 A. Yeah.</p> <p>4 Q. What did you talk to her about?</p> <p>5 A. I told her that these boys are bothering me after</p> <p>6 PASS.</p> <p>7 Q. Were you referring to the assault?</p> <p>8 A. Yeah.</p> <p>9 Q. Assault number one?</p> <p>10 A. Yeah. I was also talking about like they were</p> <p>11 bothering me in school too.</p> <p>12 Q. Did you get more detailed than "bother"?</p> <p>13 A. Hum-um. She -- I don't know.</p> <p>14 (Witness asked for clarification by reporter.)</p> <p>15 A. I said "she", and I said "I don't know".</p> <p>16 MR. OLDS: She did what?</p> <p>17 MR. MARNEN: R [REDACTED] was repeating what she said</p> <p>18 for the reporter.</p> <p>19 Q. So you told the guidance counselor, who was a</p> <p>20 woman, that the kids were bothering you -- kids bother you</p> <p>21 after PASS. Right?</p> <p>22 A. Yeah.</p> <p>23 Q. And also you told her that they were also</p> <p>24 bothering you in school since that time. Right?</p> <p>25 A. Yeah.</p>	Page 95	<p>1 Q. Did she do anything about it, if you know?</p> <p>2 A. No. Not that I know of.</p> <p>3 Q. Can you give me some idea when this conversation</p> <p>4 took place?</p> <p>5 A. A little before the meeting with my dad and</p> <p>6 Miss Woods.</p> <p>7 Q. Does that mean a couple days?</p> <p>8 A. Yeah. I'd say.</p> <p>9 (Discussion held off the record.)</p> <p>10 (Recess held from 2:34 p.m. till 2:40 p.m.)</p> <p>11 Q. Was the guidance counselor's name Mary Jane</p> <p>12 Dillon?</p> <p>13 A. I don't remember.</p> <p>14 Q. But it was a woman.</p> <p>15 A. Yeah.</p> <p>16 Q. I think you said -- I just want to make sure that</p> <p>17 I understood you correctly -- that you saw Miss Cappabianca</p> <p>18 10 or 15 times, and she cut you off before you were able to</p> <p>19 tell her more than kids are bothering me.</p> <p>20 A. Yeah.</p> <p>21 Q. Except the last time. Right? Am I -- my memory</p> <p>22 is not working well.</p> <p>23 MR. OLDS: Yeah, that was it. The last time she</p> <p>24 went through the whole thing. There was an</p> <p>25 incident that you haven't asked her about where</p>	Page 97

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<p style="text-align: right;">Page 98</p> <p>1 Miss Cap called her father while R [REDACTED] was in the 2 office. 3 MR. MARNEN: That's right. Thank you very much, 4 Ed. 5 Q. You met with Miss Woods and Miss Cappabianca in 6 the afternoon, and they took you out of PASS. And at some 7 point someone said they were going to call your father. 8 Right? 9 A. Yeah. 10 Q. Did they call him in front of you? 11 A. Once. Miss Cap did. 12 Q. Oh, on one occasion. But that was not in Janet 13 Woods' office. That was some other time. 14 A. Yeah. 15 Q. Was that before or after the assault? 16 A. After. 17 Q. And why were you in Linda Cappabianca's office? 18 A. Trying to tell her that the kids were bothering 19 me. 20 Q. And she cut you off? 21 A. Yeah. 22 Q. Did she then call your father? 23 A. Yeah. 24 Q. In your presence? 25 A. Yeah.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. So why in the world was she saying you were 2 a filthy little girl, then? 3 A. I don't know. Probably -- probably because that 4 was the day that my music teacher took me out of class, told 5 me to get out of class because the kids kept bothering me, 6 saying, oh, yeah, you gave C [REDACTED] B [REDACTED] head and stuff. 7 And then the other boys in the class were asking if I would 8 do that to them. And at that point I was getting very 9 angry, and I went up to the teacher, and I said, if they say 10 stuff to me one more time, I'm going to end up throwing 11 chairs. And he said, I want you out of this classroom. 12 So I went to Miss Cap's office, and then that's 13 when she called my dad. 14 Q. Who was the music teacher? 15 A. I don't remember. It's -- 16 Q. A man? 17 A. Yeah. 18 Q. Did that music teacher hear -- was he close enough 19 to hear what the other kids were saying to you? 20 A. I don't know. I know he's in the room, though. 21 Q. Did he say anything that led you to believe that 22 he overheard what they said to you? 23 A. No. 24 Q. Did you then go directly from music class to 25 Miss Cappabianca's office?</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. And what did you hear about the -- what part of 2 the conversation did you hear? Recount the conversation you 3 heard, please. 4 A. I didn't hear everything. She said that, "Your 5 daughter is being a filthy little girl." 6 Q. Is that the only thing you remember her saying to 7 your father? 8 A. Yeah. And then she gave the phone to me. 9 Q. Okay. Up to that time, you had only -- if I 10 understand it correctly -- and please correct me if I'm 11 wrong -- you had only told Miss Cappabianca that kids were 12 bothering you, and then she would cut you off? 13 A. Huh? 14 Q. I think you said -- but maybe I'm wrong -- that up 15 until the very last time you had the conversation in 16 Miss Woods' office, every time you tried to bring up the 17 subject of kids bothering you, and you would say kids are 18 bothering me or things to that -- that effect, 19 Miss Cappabianca would cut you off, and you would never be 20 able to tell her what they were doing to bother you. Right? 21 A. Yeah. I would try to tell her that they were 22 making me give head. 23 Q. You would try, but you never got it out of your 24 mouth, because she would cut you off. Right? 25 A. Yeah.</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yeah. 2 Q. Did you go with -- were you escorted by the music 3 teacher? 4 A. No. 5 Q. You went by yourself? 6 A. Yeah. 7 Q. Was it just down the hall? 8 A. Yeah. 9 Q. So you got there without the music teacher, right? 10 A. Yeah. 11 Q. Are there telephones in the teachers' rooms? 12 A. I can't remember. 13 Q. And when you got there, what did you say to 14 Miss Cappabianca? 15 A. Well, I tried to tell her that they kept bothering 16 me. That's why I got kicked out of class. 17 Q. Did you tell Miss Cappabianca on that occasion 18 that the other kids were bothering you in the sense that 19 they were asking you to give head? Did you tell 20 Miss Cappabianca then? 21 A. No, she wouldn't let me. 22 Q. But then she called your father and said you're a 23 dirty little girl. 24 A. I'm a filthy little girl. 25 Q. Filthy little girl. So I gather, then, you don't</p>

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<p>1 know what she was basing that on.</p> <p>2 A. No.</p> <p>3 Q. It certainly wasn't based on anything you told</p> <p>4 her, right?</p> <p>5 A. Right.</p> <p>6 Q. Because you never told her anything. You just</p> <p>7 said they were bothering you.</p> <p>8 A. Yes.</p> <p>9 Q. And my notes also tell me that at some point --</p> <p>10 and I'm just -- here is what the note says. "I know what</p> <p>11 happened," and I'm not sure what that means. Did</p> <p>12 Miss Cappabianca say something to you like that at one time?</p> <p>13 A. Yeah. When I was trying to tell her again, she</p> <p>14 said, "I know what happened."</p> <p>15 Q. Oh. When was this, R [REDACTED]</p> <p>16 A. I don't remember when.</p> <p>17 Q. Was it the meeting with your dad?</p> <p>18 A. No. It was before my dad knew.</p> <p>19 Q. Remember, we talked about the meeting with</p> <p>20 Miss Woods and Miss Cappabianca where you were taken out of</p> <p>21 PASS. Was it before that?</p> <p>22 A. Yeah, it was before.</p> <p>23 Q. So Miss Cappabianca said sometime before that, "I</p> <p>24 know what happened."? That's when she cut you off this one</p> <p>25 time? Is that what you mean?</p>	<p>Page 102</p> <p>1 Q. What did you say?</p> <p>2 A. I just looked at her; gave her a blank look and</p> <p>3 left.</p> <p>4 Q. Did you know on the evening of -- the night you</p> <p>5 were assaulted that K [REDACTED] was also assaulted?</p> <p>6 A. Yeah.</p> <p>7 Q. I don't want to know anything about the details of</p> <p>8 that one either. But did you witness it?</p> <p>9 A. I seen her from a distance. She was shaking her</p> <p>10 head no and going like this (indicating).</p> <p>11 Q. Did you and K [REDACTED] ever talk about that, that</p> <p>12 day, between yourselves after that day?</p> <p>13 A. No. Well, I asked her how she felt about it. She</p> <p>14 didn't answer me.</p> <p>15 Q. Did she ever ask you anything or say anything to</p> <p>16 you about it, ever?</p> <p>17 A. No.</p> <p>18 Q. A couple hours ago, you and I started talking</p> <p>19 about difficulties you had with B [REDACTED] C [REDACTED] before the</p> <p>20 assault. And the one I remember right now is I think you</p> <p>21 said was the first one. It was in a class where someone was</p> <p>22 speaking about something or they showed a movie, and they</p> <p>23 brought -- someone brought two classes together for that to</p> <p>24 happen.</p> <p>25 A. Yeah.</p>
<p>1 A. Can you --</p> <p>2 Q. I'm going too fast. I'm sorry. Was this a</p> <p>3 meeting with Miss Cappabianca in her office?</p> <p>4 A. No, I went to her office again.</p> <p>5 Q. What?</p> <p>6 A. I went to her office again.</p> <p>7 Q. Whose office?</p> <p>8 A. Miss Cap's.</p> <p>9 Q. So you were in Miss Cappabianca's office when she</p> <p>10 said this?</p> <p>11 A. Yeah. I wanted to talk to her.</p> <p>12 Q. Did you go there again to tell her you were being</p> <p>13 bothered?</p> <p>14 A. Yeah.</p> <p>15 Q. Did you tell her you were being bothered?</p> <p>16 A. She wouldn't let me get it out.</p> <p>17 Q. You didn't even get that out?</p> <p>18 A. No.</p> <p>19 Q. You just walked in the room, and she said, "I know</p> <p>20 what happened."?</p> <p>21 A. No. I tried to keep telling her, and she tried to</p> <p>22 keep cutting me off. And then she just said, "I know what</p> <p>23 happened."</p> <p>24 Q. Did she explain that?</p> <p>25 A. No.</p>	<p>Page 103</p> <p>Page 105</p> <p>1 Q. And during that session, B [REDACTED] C [REDACTED] said she</p> <p>2 wanted to fight you.</p> <p>3 A. Yeah.</p> <p>4 Q. And I think you talked about another occasion. I</p> <p>5 think it might have been the cafeteria. Where she said she</p> <p>6 was going to get --</p> <p>7 A. No. In the gym room.</p> <p>8 Q. The gym room. But that's the one where you end up</p> <p>9 going down the stairwell, right? No, I'm sorry. You just</p> <p>10 reminded me what your testimony was. There were three</p> <p>11 events you talked about. One was in the classroom, one in</p> <p>12 the gym, and the third one was outside the gym, and they</p> <p>13 push you down the stairwell. Right?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. In the gym itself, tell me a little more</p> <p>16 about that.</p> <p>17 A. I was sitting on the bleachers, and she said --</p> <p>18 she was talking -- I saw her talking to these girls and</p> <p>19 looking at me. And she was like, I want to give you head up</p> <p>20 after school; meet me after school. And I said, well, I got</p> <p>21 detention. I didn't -- I didn't really. I just wanted to</p> <p>22 get out of that situation. She's like, well, I'll be here</p> <p>23 after detention. And I said okay. But I went a different</p> <p>24 way home. A long way.</p> <p>25 Q. All right. Were those the only three problems you</p>

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<p style="text-align: right;">Page 106</p> <p>1 had with B [REDACTED] C [REDACTED] before the night of the assault, the 2 first assault?</p> <p>3 A. Yeah, I guess.</p> <p>4 Q. At any time prior to the first assault, did you 5 complain to any teacher or anybody in the office about Becky 6 bothering you?</p> <p>7 A. No.</p> <p>8 Q. I may be covering old ground here, and forgive me 9 if I am. Did you have any difficulties with C [REDACTED] B [REDACTED] 10 before the night of the assault?</p> <p>11 A. No.</p> <p>12 Q. Do you know whether K [REDACTED] L [REDACTED] had any 13 difficulties with -- from what you saw -- with C [REDACTED] B [REDACTED] 14 or B [REDACTED] C [REDACTED] before the night of the assault?</p> <p>15 A. Before?</p> <p>16 Q. Yes.</p> <p>17 A. Not that I know of.</p> <p>18 Q. So if she did, you didn't see it.</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. Let's talk a little bit about your life 21 since you left Strong Vincent. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. We talked a little about it it early in the 24 deposition. Just tell -- I don't want you to relive the 25 details of that incident. I don't want to talk about that.</p>	<p style="text-align: right;">Page 108</p> <p>1 your counselors?</p> <p>2 A. I remember these two counselors that used to come 3 to our house, and it was a family counsel -- counselors, I 4 think it was, and I didn't want to talk to them. I just 5 flipped them off and said F-U. I didn't want to talk to 6 them.</p> <p>7 Q. There was a time when you tried to hurt people 8 with words too?</p> <p>9 A. Yeah. A lot.</p> <p>10 Q. And some of these words were swear words, bad 11 words?</p> <p>12 A. Yeah.</p> <p>13 Q. Nasty names?</p> <p>14 A. Yeah.</p> <p>15 Q. Are you still like that?</p> <p>16 A. No.</p> <p>17 Q. Do you think you have improved at any time since 18 the -- let me try again. I don't mean to -- I'm not trying 19 to put words in your mouth, but sometimes it helps if I do 20 most of the talking.</p> <p>21 Did you get worse and worse and worse and then 22 start getting better, or has it been about the same ever 23 since, or has it -- or has it gotten worse and you just keep 24 getting worse?</p> <p>25 A. I think in the beginning, it was slow, but then I</p>
<p style="text-align: right;">Page 107</p> <p>1 But I want to understand how you felt since that time, from 2 that time to the present time. Tell me what's been going on 3 in your head.</p> <p>4 A. I first -- I was kind of confused, because the -- 5 I tried to tell somebody that you're supposed to trust, and 6 it made me feel like it was my fault. And inside, I felt 7 sorrow, but I expressed it as -- I expressed it as if I was 8 angry inside. But inside, I was really having a lot of 9 sorrow.</p> <p>10 Q. And as a result, you -- you lost your temper 11 sometimes?</p> <p>12 A. Yeah. Usually all the time.</p> <p>13 Q. All the time.</p> <p>14 A. Yeah.</p> <p>15 Q. An awful lot, then.</p> <p>16 A. Yeah.</p> <p>17 Q. And that caused you to get into physical problems 18 and hitting people, that kind of thing?</p> <p>19 A. Yeah.</p> <p>20 Q. Fellow students? Other kids?</p> <p>21 A. Not only fights, but I'd, like, go in rages, you 22 know, and just kind of throw things around and scream.</p> <p>23 Q. Break things?</p> <p>24 A. Yeah.</p> <p>25 Q. Have you gotten into fights with your teachers or</p>	<p style="text-align: right;">Page 109</p> <p>1 started to get worse and more worse and worse. And then I 2 started to get better. And now I'm just -- I still, like, 3 have depression, but it ain't as bad as before.</p> <p>4 Q. Do you still try to hurt people? Either 5 physically or with words?</p> <p>6 A. Oh, when I get -- when -- well, mostly with words, 7 yeah.</p> <p>8 Q. Were you angry with me this morning?</p> <p>9 A. No.</p> <p>10 Q. Just upset?</p> <p>11 A. Yeah.</p> <p>12 Q. I forgot; where are you in school now?</p> <p>13 A. I'm at North East High.</p> <p>14 Q. North East, that's right. How are things going 15 there?</p> <p>16 A. Good.</p> <p>17 Q. Do kids bother you?</p> <p>18 A. No.</p> <p>19 Q. Does anybody know what happened to you at Strong 20 Vincent; anybody out there, as far as you know?</p> <p>21 A. That I know, no, nobody knows.</p> <p>22 Q. Did your family move out there because of what 23 happened at Strong Vincent?</p> <p>24 A. I'm not sure why we moved.</p> <p>25 Q. Okay. Your parents made that decision.</p>

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<p>1 A. Yeah.</p> <p>2 MR. MARREN: Give me a couple minutes, if you 3 would. I think I'm about done.</p> <p>4 (Recess held from 2:57 p.m. till 3:12 p.m.)</p> <p>5 Q. R [REDACTED], do you remember at some time after the 6 assault, the first assault, being told to leave 7 Miss Scully's class and go see Miss Cappabianca because 8 you --</p> <p>9 A. Yes.</p> <p>10 Q. -- told someone to stop bothering you?</p> <p>11 A. Yeah.</p> <p>12 Q. Do you remember that event?</p> <p>13 A. Yeah.</p> <p>14 Q. And you used some bad language?</p> <p>15 A. Yeah.</p> <p>16 Q. One of those -- did one of the words you used 17 begin with the letter "F"?</p> <p>18 A. Yeah.</p> <p>19 Q. Was that after Christmas break?</p> <p>20 A. I can't remember.</p> <p>21 Q. Did she send you to see Miss Cappabianca or 22 someone else?</p> <p>23 A. She gave me a counselor.</p> <p>24 Q. Miss Scully sent you to a counselor?</p> <p>25 A. Yeah.</p>	<p>Page 110</p> <p>1 some idea what they were saying. I don't want to -- mean to 2 relive all the gory details, but I do to some extent have to 3 do that.</p> <p>4 A. Like I heard -- the girls would be like, I heard 5 you gave C [REDACTED] B [REDACTED] head. Or the guys being -- they will 6 be asking me if I would give them head. If I didn't -- if I 7 would say no, some of them would get mad.</p> <p>8 Q. Did anyone after the assault, aside from that 9 incident in the stairwell, physically threaten you?</p> <p>10 A. This boy named T [REDACTED] --</p> <p>11 KRISTINA L [REDACTED] A [REDACTED]</p> <p>12 A. I can't remember.</p> <p>13 KRISTINA L [REDACTED] That's his real name. His name is 14 T [REDACTED]</p> <p>15 Q. There is an A [REDACTED] F [REDACTED] Was he --</p> <p>16 A. Not the one that was there that night.</p> <p>17 Q. Okay. Someone else named T [REDACTED]</p> <p>18 A. Yeah.</p> <p>19 Q. And not A [REDACTED] K [REDACTED] either.</p> <p>20 A. No.</p> <p>21 Q. The night of the assault, were there two T [REDACTED]</p> <p>22 there; one A [REDACTED] one A [REDACTED]</p> <p>23 A. Yeah. One Tone and one A [REDACTED]</p> <p>24 Q. Was T [REDACTED] real name A [REDACTED], if you know?</p> <p>25 A. I don't know.</p>
<p>1 Q. Which one?</p> <p>2 A. The lady that --</p> <p>3 Q. You talked to before?</p> <p>4 A. Yeah.</p> <p>5 Q. Was that the time you talked with the counselor?</p> <p>6 A. Yeah.</p> <p>7 Q. So you did not see Miss Cappabianca that day, or 8 did you?</p> <p>9 A. I think I went to her office. I don't remember.</p> <p>10 Q. Cappabianca's office, you mean?</p> <p>11 A. Yeah.</p> <p>12 Q. Did you have a conversation with Miss Cappabianca 13 that day?</p> <p>14 A. Not that I remember.</p> <p>15 Q. Okay. After the first assault, which you said 16 happened on November 27th, 2001, you said that there were 17 times when Becky Campbell bothered you. Right?</p> <p>18 A. Yeah.</p> <p>19 Q. Did anybody besides B [REDACTED] C [REDACTED] bother you 20 after the assault?</p> <p>21 A. A lot -- practically -- a lot of people. Like the 22 whole school knew. And everybody was bothering me. Like 23 when I walked down the halls. Some people I didn't even 24 know, they will just start saying stuff to me.</p> <p>25 Q. And the kinds of things they were saying, give me</p>	<p>Page 111</p> <p>1 Q. But it was neither one of those guys.</p> <p>2 A. No.</p> <p>3 Q. It was somebody else.</p> <p>4 A. Yeah.</p> <p>5 Q. What did he do in the nature of physical -- an 6 attempt to physically assault you?</p> <p>7 A. No, he said, if you don't give me head, I'm -- I'm 8 going to get -- I'm going to get B [REDACTED] to give you head up.</p> <p>9 Q. And that was it?</p> <p>10 A. Yeah.</p> <p>11 Q. All of this bothering you took place during school 12 hours?</p> <p>13 A. Yeah.</p> <p>14 Q. And when you went to see Miss Cappabianca, I 15 gather those are the kinds of things you were trying to talk 16 to her about, and she would cut you off.</p> <p>17 A. Yeah.</p> <p>18 Q. I want to move on to the treatment you have 19 received. But before I do that, I want to ask you about the 20 date of the assault. You have very clearly testified -- and 21 I respect your testimony -- very clearly testified that it 22 occurred on November 27, 2001. But if you'll look at 23 Exhibit J, which --</p> <p>24 MR. OLDS: That's this one (indicating).</p> <p>25 Q. -- which Mr. Olds is showing you, please note that</p>

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R [REDACTED] P [REDACTED]

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<p style="text-align: right;">Page 114</p> <p>1 on the first page it says it happened on December 19, 2001. 2 (Discussion held off the record.) 3 Q. What I want to know, if you have any insight, any 4 idea as to why the police report says December 19, but you 5 know it happened on November 27th. 6 A. Because on that -- the first incident, there was 7 leftover turkey from Thanksgiving. 8 Q. Right. 9 A. And Y [REDACTED] I can't pronounce her name, but 10 I'm going to say Y [REDACTED]. And I asked her if I could have 11 a drink of her pop. And after I did that, I said, well, I 12 feel like I'm going to throw up. And then she kind of got 13 worried; she thought I was sick. And I said, it could have 14 been just the leftover turkey that I ate from Thanksgiving. 15 Q. Okay. Now, what I was trying to ask you, and did 16 a bad job of it, was do you have any idea why the police 17 report says it happened on December 19th, when you know it 18 happened on November 27th? And if you don't know, just say 19 I don't know. But I just wondered if you had any idea why 20 they made a mistake. 21 A. I'm not sure. 22 (Discussion held off the record.) 23 Q. I don't have any medical records in front of me, 24 but I have an outline I did. And as I understand it, you at 25 a point in time were admitted to Millcreek Community</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. But you occasionally see people, don't you, for 2 treatment? 3 A. Yeah. 4 Q. Who has been your principal doctor since the time 5 you left Strong Vincent? Doctor that takes -- that counsels 6 you and talks to you about your problems. 7 A. I don't have a doctor that talks about my 8 problems. 9 Q. All right. 10 A. But they prescribe me pills. 11 Q. Okay. 12 A. That's Dr. Wilson. 13 Q. Dr. Wilson sees you most? 14 A. Yeah. 15 Q. Do you remember seeing a Dr. Albaugh too? 16 A. No, I can't remember. 17 Q. It's a woman. Mary Anne Albaugh? 18 A. No. 19 Q. How about Dr. Joy? 20 A. Yeah. 21 Q. When you see Dr. Wilson, do you see -- is that a 22 man? 23 A. Yeah. 24 Q. Do you see him at Millcreek Community Hospital? 25 A. No. When I went there, I -- I think I had a</p>
<p style="text-align: right;">Page 115</p> <p>1 Hospital. 2 A. Yeah. 3 Q. I have March 26th, 2002. And you were in there 4 for a week, till April 2, 2002. Do you remember that 5 hospitalization? 6 A. Yeah. 7 Q. Tell me about the events that led up to that. 8 What caused you to be hospitalized, and why, in your mind, 9 were you hospitalized, and what was your condition? 10 A. I think the first time was when I was -- no, I 11 think the -- hold on. I don't -- wait. I think the third 12 time I was there, because I locked myself in the bathroom at 13 my house, and I started banging my head off the wall. And 14 that was the night that I stabbed my dad. 15 Q. Do you think that was the third time you were in 16 the hospital? 17 A. Yeah. And the second time was as -- like -- I 18 can't remember. I know I was hurting myself, but I don't 19 remember how. And the first time, I was hurting myself too, 20 but I don't remember how. 21 Q. And all three times were you living at home? 22 A. Yeah. 23 Q. Were you hospitalized three times and only three 24 times? 25 A. Yeah, only three times.</p>	<p style="text-align: right;">Page 117</p> <p>1 different doctor. 2 Q. At Millcreek? 3 A. Yeah. 4 Q. Where do you see Dr. Wilson? 5 A. Now? 6 Q. Yes. Where is he? At his office do you see him? 7 A. Yeah, I just go to his office. 8 MR. MARNEY: I'm going to get the medical records. 9 I think it would be more useful to do it that way. 10 So I'll be right back. 11 (Discussion held off the record.) 12 Q. Here is a two-page record dated April 10, 2002. 13 It is signed by -- I can't read the first name, but the last 14 name looks like Brown-Martinez. Do you remember that name? 15 A. No. 16 Q. Jennifer Vaglia (phonetic)? 17 A. No. 18 Q. In early 2002, you went to Sarah Reed, and you 19 were very sad, as I understand it. 20 A. Yeah. 21 Q. All the time? 22 A. Yeah. 23 Q. And you -- looking at the records, the fancy word 24 used for that is dysthymia, which is a chronic sadness, very 25 deep sadness. Does that accurately describe what you were</p>

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<p>1 like?</p> <p>2 A. Yeah.</p> <p>3 Q. Do you feel the same way today as you did then, in</p> <p>4 that regard?</p> <p>5 A. No. I'm not --</p> <p>6 Q. You have improved a bit over time?</p> <p>7 A. Yeah.</p> <p>8 Q. And you were also diagnosed with opposition</p> <p>9 defiant disorder, ODD. Does that ring a bell?</p> <p>10 A. No.</p> <p>11 Q. Well, it basically means that you were having a</p> <p>12 lot of trouble with authority. You were acting out with</p> <p>13 respect to your teachers and your counselors and your</p> <p>14 doctors. Does that ring a bell?</p> <p>15 A. I have had problems in the past, but I never got</p> <p>16 told that I had ODD.</p> <p>17 Q. Okay. And there's an entry in here that,</p> <p>18 "R [REDACTED] --" this is in April of 2002. "R [REDACTED] had been</p> <p>19 experiencing bouts of depression, alternating between</p> <p>20 anger." Does that sound right to you?</p> <p>21 A. What does that mean?</p> <p>22 Q. Well, it sounds to me like it means you were very</p> <p>23 sad and very angry, but not necessarily at the same time.</p> <p>24 A. Yeah.</p> <p>25 Q. Back and forth. Does that sound right to you?</p>	Page 118	Page 120
<p>1 A. Yeah.</p> <p>2 Q. You were also -- you were also counseling with</p> <p>3 Rape Crisis for a while, weren't you?</p> <p>4 A. Yeah.</p> <p>5 Q. What was that all about? What was going on there?</p> <p>6 A. We just talked.</p> <p>7 Q. What kind of things did you talk -- did you talk</p> <p>8 about what happened to you?</p> <p>9 A. Yeah.</p> <p>10 Q. In detail, or --</p> <p>11 A. A couple times we went into detail.</p> <p>12 Q. Okay.</p> <p>13 A. But we stopped because I didn't feel comfortable</p> <p>14 enough to --</p> <p>15 Q. Were the Rape Crisis counselors ladies?</p> <p>16 A. I only had one, and it was Denise.</p> <p>17 Q. Denise. It was a woman, then. And did she help</p> <p>18 you?</p> <p>19 A. Yeah.</p> <p>20 Q. Did she help you learn that it was not your fault?</p> <p>21 A. Yeah.</p> <p>22 Q. How have your grades been since the assault? Were</p> <p>23 they bad in the beginning?</p> <p>24 A. Yeah, in the beginning.</p> <p>25 Q. After the assault. Have they improved over time?</p>	Page 119	Page 121
		<p>1 herself. She also tried to stab her father's hand." Okay?</p> <p>2 At the time that happened, you were living at home</p> <p>3 and going to Sarah Reed, correct?</p> <p>4 A. Yeah.</p> <p>5 Q. Did you, in fact, try to hurt yourself that night?</p> <p>6 A. Yeah.</p> <p>7 Q. What did you try to do?</p> <p>8 A. I put a knife to my neck.</p> <p>9 Q. Did you cut yourself at any time that night?</p> <p>10 A. No.</p> <p>11 Q. Your dad stopped you?</p> <p>12 A. Yeah.</p> <p>13 Q. Did you hurt him?</p> <p>14 A. Yeah.</p> <p>15 Q. How did you hurt him?</p> <p>16 A. I cut his -- like stabbed his hand.</p> <p>17 Q. Okay. And I think you ran in the bathroom or</p> <p>18 something? Did I read that somewhere?</p> <p>19 A. Yeah.</p> <p>20 Q. The police were called, and they took you to the</p> <p>21 hospital?</p> <p>22 A. Yeah.</p> <p>23 Q. At the hospital, you were actually sleeping there,</p> <p>24 weren't you, at night?</p> <p>25 A. Yeah.</p>

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1 Q. For a week. Did they give you any medication?	1 A. After.	
2 A. I was already on medication.	2 Q. Yeah, I know you didn't immediately go to him.	
3 Q. What kind of medication were you on?	3 A. Yeah.	
4 A. I don't remember what kind of medication I was on.	4 Q. Have you physically injured yourself at any time	
5 Q. What kind of medication have you been on over	5 since you started going to Sarah Reed?	
6 time, since the time of the assault? And maybe if you don't	6 A. I used to cut my wrists, and I popped pills.	
7 know the name of it, you can tell me what it does for you.	7 Q. Did you ever attempt suicide?	
8 A. Remeron.	8 A. Once.	
9 Q. Remeron. Do you know what that was for?	9 Q. When was that?	
10 A. It was to keep my moods stabilized and make me	10 A. I can't remember.	
11 relaxed.	11 Q. How did you try to do it? Pills?	
12 Q. To keep you from getting depressed?	12 A. Yeah.	
13 A. No. I had a different pill for that.	13 Q. What kind of pills? Do you know?	
14 Q. Oh. That was stabilization.	14 A. Remeron.	
15 A. Yeah.	15 Q. Remeron. Well, you're here, and it obviously	
16 Q. All right. What was the other pill?	16 didn't work.	
17 A. Zoloft.	17 A. Yeah.	
18 Q. And that was to make you feel better?	18 Q. Did they take you to the hospital for that?	
19 A. Yeah.	19 A. I didn't tell anybody.	
20 Q. Anything else?	20 Q. Oh. You just took too many of them, and what,	
21 A. Zyprexa.	21 nothing happened?	
22 Q. What was the purpose of that?	22 A. I slept for a very, very long time.	
23 A. For anxiety and panic attacks. And there was a	23 Q. And that was it?	
24 lot more. I just can't think off the top of my head.	24 A. Yeah. And then when I woke up, I felt nauseous	
25 Q. What kind of things have they been for? Panic	25 and stuff.	
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1 attacks, depression, and mood stabilization?	1 Q. Have you ever tried to do that again?	
2 A. And anxiety attacks.	2 A. Did I ever try to do it again?	
3 Q. I'm sorry, anxiety attacks. Mood stabilization	3 Q. Yes.	
4 and something to elevate your mood. Right?	4 A. No.	
5 A. Um-hum.	5 Q. Why? Don't want to?	
6 Q. And has all the medication over the couple years	6 A. No, I just stopped doing that stuff. I was sent	
7 since this happened been of the same nature? Maybe not the	7 to Abraxas, and when I came back, I started doing better.	
8 same drug, but the same nature?	8 Q. Abraxas was kind of the turn-around for you?	
9 A. What do you mean?	9 A. Yeah.	
10 Q. Were they all mood stabilizers and mood elevators	10 Q. How long were you at Abraxas?	
11 and things for anxiety attacks?	11 A. About five months.	
12 A. Yeah.	12 Q. What was that place like?	
13 Q. Do you still take that medication?	13 A. It was really, really hard.	
14 A. Zyprexa.	14 Q. Your attorney on the break described it as sort of	
15 Q. I forgot what that is. That's the mood	15 a boot camp type of place. Is that a fair description?	
16 stabilizer?	16 A. Yeah, it is a boot camp.	
17 A. No. For depression, anxiety, and panic attacks.	17 Q. I forgot where Abraxas is located.	
18 Q. Do you take that every day?	18 A. South Mountain.	
19 A. Yeah.	19 Q. Oh, yes. Where is South Mountain?	
20 Q. Any idea when that's going to end?	20 A. (Witness indicates.)	
21 A. I don't know.	21 Q. Is that in Erie County?	
22 Q. And your doctor now is Dr. Wilson?	22 A. No.	
23 A. Yeah.	23 MR. OLDS: Someplace near Gettysburg, I think it's	
24 Q. And he has been your principal doctor since the	24 at.	
25 time of the assault? After that time.	25 MR. MARNEN: Oh, way down there.	

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R [REDACTED] P [REDACTED]

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1	MR. OLDS: Huntington or Gettysburg.	1	A. Whiskey.
2	Q. So is that for kids -- what kind of kids were	2	Q. Whiskey?
3	going there? What kinds of problems?	3	A. Vodka, beer.
4	A. Drug and alcohol, mainly.	4	Q. And you were getting intoxicated doing that?
5	Q. All right. And that's not what your problem was,	5	A. Yeah.
6	though, right?	6	Q. Your parents found out about it?
7	A. No, I was there for drug and alcohol.	7	A. A couple times, yeah.
8	Q. What kind of drug problem did you have?	8	Q. And I gather you ended up at Edmund L. because you
9	A. Well, I didn't have a problem with the drug I	9	violated probation by drinking?
10	took. But I just took it once, and I got caught.	10	A. Yeah.
11	Q. Okay. Someone found out you tried to kill	11	Q. And then they did the tox. screen, found the
12	yourself?	12	drugs, sent you down to Abraxas.
13	A. No. I -- I took a drug.	13	A. Yeah.
14	Q. Oh.	14	Q. You were there for four or five months?
15	A. And when I went to Edmund L., they gave me a test.	15	A. About five.
16	Q. I see.	16	Q. Is Abraxas boys and girls?
17	A. And I got caught.	17	A. Yeah, but the boys and girls are not
18	Q. Was the drug you took a recreational drug? Do you	18	communicating.
19	know what I mean?	19	Q. They are segregated.
20	A. What's that?	20	A. Yeah.
21	Q. A drug you take for fun and not treatment.	21	Q. Did you wear uniforms?
22	A. It was --	22	A. Yeah.
23	Q. What was it?	23	Q. What kind of uniforms? Khakis or something?
24	A. Crack cocaine.	24	A. Army.
25	Q. Okay. That's what you take for fun, I guess. Did	25	Q. Army-type uniforms?
		Page 127	Page 129
1	you do that one time?	1	A. Yeah.
2	A. Yeah, once.	2	Q. Boots?
3	Q. And that's how you ended up at Edmund L.? They	3	A. You only wear boots when you're going hiking.
4	did a urine test, and they found it.	4	Q. All right. You're too young to have been in the
5	A. Yeah. And I was sent to Edmund L. because I was	5	military, but was it sort of like being in the military, as
6	drinking. I came home drunk. But they didn't know that I	6	far as you could tell?
7	smoked crack cocaine until they gave me a test when I went	7	A. Yeah.
8	there.	8	Q. A lot of physical activity?
9	Q. I see. How long had you smoked crack cocaine?	9	A. Yeah.
10	A. Not that long.	10	Q. Were the people running the place very strict with
11	Q. More than one time, though.	11	you?
12	A. Not -- no. Not at all.	12	A. Yeah.
13	Q. Just one time?	13	Q. Very -- maybe harsh once in a while?
14	A. Yeah.	14	A. Once in a while? More than once in a while.
15	Q. But you did -- you were drinking alcohol.	15	Q. All the time?
16	A. Yeah.	16	A. Yeah.
17	Q. At, what, 13, 14 years old?	17	Q. They were tough.
18	A. Yeah.	18	A. Yeah.
19	Q. Where were you getting the alcohol?	19	Q. And did you hate being there?
20	A. (No response.)	20	A. Oh, yeah, I did.
21	Q. I don't mean name names. I don't care who they	21	Q. And you couldn't wait to get out?
22	were.	22	A. Yeah, I couldn't wait.
23	A. My friends. Well, so-called friends.	23	Q. Did they tell you when you went there, you are
24	Q. Right. What were you drinking? Beer or hard	24	going to be there for a certain amount of time?
25	stuff?	25	A. Yeah. All the girls -- well, actually the girls

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R [REDACTED] P [REDACTED]

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<p style="text-align: right;">Page 130</p> <p>1 and the guys have different times they can leave. They have 2 this thing at the end of your five months that you can 3 graduate; a party. And I didn't get that because I was -- I 4 left early.</p> <p>5 Q. Because of what? Good behavior?</p> <p>6 A. Yeah.</p> <p>7 Q. You hated it so much, you were going to be good no 8 matter what?</p> <p>9 A. No. I wasn't good when I first got there.</p> <p>10 Q. But you were when you left?</p> <p>11 A. Yeah.</p> <p>12 Q. That turned you around, then, huh?</p> <p>13 A. Yeah.</p> <p>14 Q. So when you went back, did you live at home when 15 you went back?</p> <p>16 A. Yeah.</p> <p>17 Q. And where did you go to school? Back to Sarah 18 Reed?</p> <p>19 A. Yeah. Back to Sarah Reed.</p> <p>20 Q. How is Sarah Reed different from regular school?</p> <p>21 A. Smaller classes. There is a lot of restraints 22 that go on daily. It's like a lot of bad kids go there.</p> <p>23 It's a lot different -- we don't do much -- as much work, 24 and we don't get homework.</p> <p>25 Q. You don't do as much school work at Sarah Reed as</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. You didn't -- you didn't live there, though, 2 right?</p> <p>3 A. No, I didn't.</p> <p>4 Q. Were you bothered by kids when you were there?</p> <p>5 A. They could be annoying, but I could always tell.</p> <p>6 Q. Did anybody bother you about what had happened at 7 Strong Vincent?</p> <p>8 A. Nobody knew.</p> <p>9 Q. I think I have asked you this, and if I have, I'm 10 sorry. I just want to make sure. After you left Strong 11 Vincent, went to Sarah Reed, up to the present time, has 12 anyone ever bothered you in school about what happened to 13 you at Strong Vincent?</p> <p>14 A. No. Not until I came back to Strong Vincent the 15 second time.</p> <p>16 Q. Oh, right. You were there briefly, and someone -- 17 you know, I didn't catch this when I was asking you 18 questions about this. But one of your attorneys told me on 19 a break, you were at Strong Vincent twice.</p> <p>20 A. Yeah.</p> <p>21 Q. And I know you and I got really confused when we 22 talked about that this morning. But you went to Strong 23 Vincent and then came back later.</p> <p>24 A. Yeah.</p> <p>25 Q. The first time you were there was the being</p>
<p style="text-align: right;">Page 131</p> <p>1 you do at, say, North East High School or Strong Vincent?</p> <p>2 A. Right.</p> <p>3 Q. And you did not get homework.</p> <p>4 A. Yeah.</p> <p>5 Q. And that's different, too, from regular school.</p> <p>6 A. Yeah.</p> <p>7 Q. Did you get counseling?</p> <p>8 A. Yeah.</p> <p>9 Q. Was there an effort to make you feel better about 10 what had happened, to get over what had happened to you on 11 November 27, 2001?</p> <p>12 A. From being there?</p> <p>13 Q. Yeah. At Sarah Reed. Were they making an effort 14 to help you with that, as far as you could tell?</p> <p>15 A. As far as I could tell, no.</p> <p>16 Q. No?</p> <p>17 A. No.</p> <p>18 Q. You were having counseling sessions?</p> <p>19 A. Well, I was supposed to, but I didn't there.</p> <p>20 Q. You did not?</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. I -- I don't know.</p> <p>24 Q. Most -- there were kids that were bad kids there?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 133</p> <p>1 escorted out for violating the dress code and punching the 2 principal?</p> <p>3 A. Yeah.</p> <p>4 Q. By the way, was his name Douglas Allen, by any 5 chance?</p> <p>6 A. The principal?</p> <p>7 Q. Yes.</p> <p>8 A. I don't know him.</p> <p>9 Q. Okay. And then after some period of time, you 10 came back, right?</p> <p>11 A. Yeah.</p> <p>12 Q. And when you came back, you were bothered by kids 13 about -- about what happened in November of 2001.</p> <p>14 A. Yeah.</p> <p>15 Q. How long were you back there after you came back?</p> <p>16 How were you -- how long were you at Strong Vincent after 17 you came back?</p> <p>18 A. When I came back, I was -- how long was I there 19 after when I came back?</p> <p>20 Q. Yes.</p> <p>21 A. For about a week.</p> <p>22 Q. And was it a daily thing?</p> <p>23 A. That people were bothering me?</p> <p>24 Q. Yes.</p> <p>25 A. No, not on a daily.</p>

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1	Q. But it happened.	1 you?
2	A. Yeah.	2 A. Yes.
3	Q. And it was, what, the same kind of thing? Asking	3 Q. In eighth grade. So after that, you came back
4	you to do that --	4 too?
5	A. No.	5 A. No.
6	Q. What kind of things were they doing?	6 Q. Before that.
7	A. Well, this one boy said, ha, you gave C [REDACTED]	7 A. Before what?
8	B [REDACTED] head. And this group of kids that -- at the table,	8 Q. Before hitting the officer --
9	they were all talking about it.	9 A. Yeah, I didn't come back -- I don't know. I'm
10	Q. Okay. Did you ask to go back to Sarah Reed then?	10 getting confused.
11	A. Yeah. I said I didn't want to go back there, at	11 Q. Okay. We'll leave it alone. I have a medical
12	one of the meetings.	12 record here that says you were admitted to Millcreek
13	Q. At one of your meetings with what? Your	13 Community Hospital on June 15, 2002. And you were
14	counselor?	14 discharged 10 days later. And under Circumstance of
15	A. No, there was -- I think it was a life meeting.	15 Admission, it says, "R [REDACTED] was brought to the ER by her
16	Q. What does that mean, a life meeting? How to deal	16 father. Earlier in the day, she apparently had gotten into
17	with the details of life?	17 an argument with her mother about cleaning the kitchen.
18	A. I don't know how to define a life meeting.	18 Apparently this escalated to the point that the patient
19	Q. All right.	19 tried to bite her mother and eventually did assault her.
20	MR. OLDS: What happened at the life meeting?	20 The patient continued to be agitated and upset by this event
21	A. Julie was there, my mom -- I mean, I think my mom	21 and started making comments that she had thoughts of hurting
22	was there. My dad was definitely there. And there was	22 herself. Father was present and had been concerned about
23	other people there I don't know. And my therapist Linda was	23 changes in her mood. Because of concerns over her safety,
24	there. And this guy, I don't know who he was. He said he	24 called the police. When the police called [sic], apparently
25	thinks I should go back to Strong Vincent. And my dad and	25 the patient got aggressive and there was some degree of
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1	Julie was having debates on that; that I shouldn't go back	1 resistance to the police officer. She was then brought to
2	there. And I ended up going back there, and I didn't want	2 the ER for evaluation, and eventually admitted for possible
3	to go back there.	3 stabilization in the inpatient unit."
4	Q. So this was -- was this a life meeting?	4 Do you remember that?
5	A. Yeah.	5 A. Yeah.
6	Q. Was it a meeting at Sarah Reed?	6 Q. Did I just tell it all, or is there more to the
7	A. No. I don't remember where I was at. But it was	7 story than that?
8	a life meeting.	8 A. That's about it.
9	Q. All right. So someone thought you ought to go	9 Q. So this is only a couple months -- you know, maybe
10	back, and you didn't like the idea, but I guess everybody	10 four months after you left Strong Vincent. And you were
11	went along with it? Is that what you --	11 still pretty angry then?
12	A. No. Like Julie, my dad, and Linda didn't -- did	12 A. (Witness nods head.)
13	not approve of that. They did not want that happening.	13 Q. Angry and depressed, right?
14	Q. Linda Cappabianca?	14 A. (Witness nods head.)
15	A. No.	15 MR. OLDS: You have to say yes or no.
16	Q. Somebody else.	16 A. Oh. Yeah.
17	A. Yeah. Linda Cray.	17 MR. MARNEN: The record indicates that Rachel is
18	Q. Why did you go back then?	18 nodding yes.
19	A. I don't know. They sent me back, though.	19 Q. I'm getting the impression -- I guess I'm a little
20	Q. And then you got out when you said, look, I don't	20 slow. Eventually it sinks in with me that after you -- tell
21	want to be here, this is happening to me; they are bothering	21 me if I'm right about this or tell me if I'm wrong. That
22	me?	22 after you left Vincent, you went to Sarah Reed, you were
23	A. No. Then I -- that's when the principal grabbed	23 angry and depressed. Over time, you got into alcohol and
24	me, I hit him, and then I hit the officer, and then I left.	24 some drugs. Things just got worse and worse. And then you
25	Q. Oh. Okay. You were at Vincent twice, weren't	25 hit bottom with the drug test, and they sent you to Abraxas,

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R. P. [REDACTED]

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1 and that sort of turned you around.	1 A. Yeah, no drinking.
2 A. Yeah.	2 Q. No drugs?
3 Q. Since you got out of Abraxas, has there been any	3 A. No drugs.
4 alcohol?	4 Q. Okay. Are you still taking medication for your
5 A. Once.	5 mood?
6 Q. Once?	6 A. I wouldn't say for my mood.
7 A. Yeah.	7 Q. What do you think you're taking the medication
8 Q. Was that sort of a relapse, that you have never --	8 for?
9 you fell backwards for a moment, but --	9 A. Depression, anxiety, and panic attacks.
10 A. I wouldn't really say fell backwards.	10 Q. I didn't mean -- okay. You and I were saying the
11 Q. What happened?	11 same thing with different words, believe it or not. And you
12 A. I guess I wasn't really thinking. It kind of	12 still occasionally see Dr. Wilson, right?
13 just -- I thought, well, maybe I won't get caught or	13 A. Yeah.
14 something like that.	14 Q. And if nothing else, he -- well, he prescribes the
15 Q. Okay. And you did?	15 medication. He keeps that going.
16 A. Yeah.	16 A. Yeah.
17 Q. Did it have any consequences about, like,	17 Q. Is anybody counseling you?
18 violation -- violating probation, or did you just get an	18 A. Um-hum. Yeah.
19 earful from your parents, and that was it?	19 Q. Dr. Wilson?
20 A. No, I got my license extended. I think that's	20 A. No. My therapist.
21 what it's called.	21 Q. Who is your therapist?
22 Q. You got your license extended?	22 A. Linda Cray.
23 A. Yeah.	23 Q. Where is Linda Gray?
24 Q. You mean your probation was extended?	24 A. Cray.
25 A. No. My license. I wasn't on probation.	25 Q. C-R-A-Y?
Page 139	Page 141
1 Q. What does that mean, your license is extended?	1 A. (Witness nods head.)
2 A. I think that's what it's called. When your	2 Q. Okay. Where is she located?
3 license -- like you have to wait 90 days or until you're	3 A. She comes to my house.
4 21 --	4 Q. Do you know what organization she is with?
5 Q. Are you talking about driving now?	5 A. Stairways.
6 A. Yeah.	6 Q. How often does Linda come?
7 Q. Oh, okay.	7 A. Once a week.
8 A. I had 90 days.	8 Q. How long does she stay? A half hour?
9 Q. So that delayed -- somebody delayed the time when	9 A. I'd say about an hour.
10 you could drive like a regular person?	10 Q. What do you talk about?
11 A. Yeah.	11 A. We just talk about everything. School, friends.
12 Q. As opposed to a probationary young driver?	12 Just --
13 A. Yeah.	13 Q. Okay. How old are you now?
14 Q. Okay. Were you driving when you were -- were you	14 A. 16.
15 caught driving drunk or something?	15 Q. 16. Are you driving?
16 A. No.	16 A. Yeah.
17 Q. Who found out about this drinking?	17 Q. Are you a regular driver? Are you still --
18 A. My friend was there, and she got alcohol poisoning	18 A. On August 10th, I should be taking the test.
19 and passed out on the ground, started throwing up. And then	19 Q. So when you drive now, somebody with a license has
20 her aunt walked across the street, grabbed her, put her on	20 to be in the car with you?
21 the -- laid her on the couch, gave her the garbage so she	21 A. Yeah. Until I'm 18.
22 could throw up. And then she called her mom, and her mom	22 Q. And you're in tenth grade at North East High
23 called the police and the ambulance, and that's how they	23 School, right?
24 found out.	24 A. Yeah.
25 Q. Okay. There has been no drinking since then?	25 Q. When you got out of Abraxas, except -- except for

A000000302

Richard P. v. School District

R. P. [REDACTED]

March 23, 2005

1 the -- except for the -- well, when you got out of Abraxas,
2 were you about the way you are right now, in the way you
3 feel about things, emotionally and mentally? Or do you
4 think you're still improving?

5 A. Oh. I guess it gets better as time goes on.

6 Q. Okay. A little better every day?

7 A. Yeah.

8 Q. All right.

9 MR. MARNEN: I have no other questions. Thank
10 you. Thanks for your time. You are very patient.

11

12 (Deposition concluded at 3:57 p.m.)

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 RICHARD P., BY AND FOR
4 RACHEL P., AND DENISE L., BY
5 AND FOR KATHY A. L.,
6 Plaintiffs
7 vs
8 SCHOOL DISTRICT OF THE
9 CITY OF ERIE, PENNSYLVANIA;
10 JANET WOODS, INDIVIDUALLY
11 and in her Capacity as Principal
12 of Strong Vincent High School;
13 and LINDA L. CAPPABIANCA,
14 Individually and in her Capacity
15 as Assistant Principal of Strong
16 Vincent High School,
17 Defendants
18
19
20

Civil

14 Deposition of RICHARD P. taken before
15 and by Linda K. Rogers, Commissioner of Deeds in
16 the Commonwealth of Pennsylvania and Notary Public
17 in the State of New York, on Wednesday, April 6,
18 2005, commencing at 12:38 p.m., at the law offices
19 of Knox, McLaughlin, Gornall & Sennett, 120 West
20 10th Street, Erie, Pennsylvania.

21 * * *

22
23
24
25
1 For the Plaintiffs:
2 Edward Olds, Esquire
3 1007 Mount Royal Boulevard
4 Pittsburgh, PA 15223

5 For the Defendants:
6 James T. Marnen, Esquire
7 Knox McLaughlin Gornall & Sennett, PC
8 120 West 10th Street
9 Erie, PA 16501
10
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* * *

1 RICHARD P. [REDACTED], first having
2 been duly sworn, testified as follows:
3
4 DIRECT EXAMINATION

5 BY MR. MARNEN:

6
7 Q. Mr. P. [REDACTED], would you state your full name,
8 please.

9 A. Richard William P. [REDACTED]

10 Q. What is the date of your birth?

11 A. [REDACTED] 1964.

12 Q. Where do you presently reside?

13 A. [REDACTED] North East,
14 PA, 16428.

15 Q. How long have you resided there?

16 A. I think about -- well, a year.

17 Q. About a year?

18 A. About a year, yeah.

19 Q. Where did you reside before that?

20 A. [REDACTED], that was in Erie, PA.

21 Q. During what period of time did you reside there?

22 A. Between December -- it was like December, slash,
23 January of 2003. So it would be 2002, December and 2003,
24 January because we were cross mixing between the move over
25 the holiday season.

Page 1

Page 3

1 Q. From that time until about a year ago?

2 A. That's correct.

3 Q. Before East 10th Street?

4 A. Before East 10th Street?

5 Q. Yes.

6 A. It was [REDACTED] that was also in
7 Erie.

8 Q. What was the period of time when you lived there?

9 A. From, I want to say, March of 2001 to, again, it
10 was, slash, December.

11 Q. Of '02 or January '03?

12 A. Right.

13 Q. Did you live in Arizona before then?

14 A. Yes. Mesa.

15 Q. Mesa, Arizona?

16 A. Um-hmm.

17 Q. And how long were you in Arizona?

18 A. I'm thinking we were there for two years.

19 Q. Before Arizona were you living in Erie?

20 A. That's correct, yes.

21 Q. Where did you live in Erie?

22 A. [REDACTED] 1A.

23 Q. [REDACTED]

24 A. Yes. [REDACTED] Avenue.

25 Q. How long did you live there?

Page 2

Page 4

1 A. Roughly about 15 months.
2 Q. Do you have a high school degree?
3 A. Yep.
4 Q. When did you get that?
5 A. June 9, 1983.
6 Q. Do you have any formal education beyond high
7 school?
8 A. Yeah. Well, a little. I went to Pima Medical in
9 Mesa.
10 Q. P-I-M-A?
11 A. Yes.
12 Q. What is Pima Medical?
13 A. It's a school to learn like respiratory, I was in
14 physical therapy.
15 Q. Respiratory therapy?
16 A. Yes.
17 Q. Did you finish?
18 A. No.
19 Q. How long did you attend that school?
20 A. I believe about a year.
21 Q. Are you presently employed?
22 A. Yes.
23 Q. Where are you employed?
24 A. I am not really -- I'm hired by the police
25 department to be a crossing guard for the school district.

Page 5

1 because of my wife's illness got -- it was too difficult to
2 travel from Florence and back and forth and back and forth
3 so I had to kind of quit.
4 Q. What have you done since you came back?
5 A. Before I did that I worked as a group home
6 counselor in Arizona for the Department of Behavioral
7 Consultants, and I did that for, I believe 18 months, close
8 to it.
9 Q. Then you came back to Erie?
10 A. Yes.
11 Q. What have you done here besides crossing guard
12 work, anything?
13 A. Yeah. I worked at Plastex and also Wal-Mart.
14 Q. What did you do at Plastex?
15 A. A laborer.
16 Q. At Wal-Mart?
17 A. Wal-Mart I was an electronics associate.
18 Q. Are you presently employed anywhere besides the
19 crossing guard job?
20 A. No.
21 Q. How long has that crossing job been your only job?
22 A. Pardon me?
23 Q. How long has the crossing guard job been your only
24 job?
25 A. Well, if you consider the fact that back from '97

Page 7

1 Q. That's for North East School District?
2 A. Erie.
3 Q. Erie School District. How long have you held that
4 position?
5 A. On and off since about 1997.
6 Q. Well, some of that period of time you were in
7 Arizona, right?
8 A. That's why I said on and off. When I left Erie to
9 move to Arizona, obviously I am not working for them.
10 Q. Right. Have you had any other employment since
11 1997?
12 A. Yep.
13 Q. Where?
14 A. I worked as a -- first I started off as a
15 security -- I was a supervisor for a security firm in
16 Arizona, Argenbright.
17 Q. Argenbright? Any idea how to spell that?
18 A. A-R-G-E-N-B-R-I-G-H-T, yeah. And then from that I
19 went to Arizona Department of Corrections and Training
20 Academy. I was supposed to be stationed in Florence Federal
21 Prison.
22 Q. Ford -- how do you pronounce that?
23 A. Florence.
24 Q. Florence Federal Prison?
25 A. Yep. But I unfortunately did not go through that

Page 6

1 on, I mean, it kind of went back and forth and back and
2 forth. I am not sure.
3 Q. When did you leave Plastex?
4 A. September of 2001.
5 Q. When did you leave Wal-Mart?
6 A. This past December.
7 Q. '04?
8 A. Yes.
9 Q. When R. [REDACTED] was attending Strong Vincent, I gather
10 you were living at 1205 West 8th Street?
11 A. Yes.
12 Q. Was R. [REDACTED] living there with you?
13 A. Yes.
14 Q. And you are married to Shelly P. [REDACTED]
15 A. Correct.
16 Q. Was Shelly residing with you at [REDACTED]
17 Street?
18 A. Yes.
19 Q. Was anyone else living in the household then?
20 A. My son Jeffrey.
21 Q. What is Jeffrey's date of birth?
22 A. [REDACTED] 87.
23 Q. Anyone else?
24 A. Yes, Mirissa P. [REDACTED]
25 Q. Melissa?

Page 8

1 A. No. Mirissa, M-I-R-R-I-S-S-A.
2 Q. Is that your daughter?
3 A. Yes.
4 Q. What is her date of birth?
5 A. [REDACTED] 1996.
6 Q. Have we covered it all now?
7 A. Yeah.
8 Q. So the four children and you --
9 A. Three children.
10 Q. I'm sorry, you're right. J [REDACTED], M [REDACTED] and
11 R [REDACTED]
12 A. That's correct.
13 Q. Your wife Shelly and you lived on West 8th Street
14 while R [REDACTED] was attending Strong Vincent?
15 A. That's correct.
16 Q. Did you attend Erie public schools?
17 A. Yes.
18 Q. Where did you go?
19 A. I went to Strong Vincent for ninth grade in Erie,
20 of course. And I finished out the rest of my high school
21 years in Tech Memorial.
22 Q. Which no longer exists, right?
23 A. Nope.
24 Q. When you folks came from back Arizona, as I
25 understand R [REDACTED] attended Emerson-Gridley; is that right?

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1 A. I don't remember that to be truthful with you.
2 Q. Okay. In any case she did attend Strong Vincent
3 in seventh grade?
4 A. Yes.
5 Q. Was there a particular reason why she went to
6 Strong Vincent?
7 A. Because we were only a couple blocks up the
8 street.
9 Q. Did you have a choice on that, could you have sent
10 her anyplace you wanted to?
11 A. I didn't have a choice, no.
12 Q. Because she lived in the area of Strong Vincent
13 she went to school there?
14 A. Yes.
15 Q. While R [REDACTED] was attending Strong Vincent did you
16 have any in person contact with any of her teachers?
17 A. Except for like the parent-teacher conferences,
18 no.
19 Q. Only the parent-teacher's conference?
20 A. Right, yes.
21 Q. Do you remember when that was?
22 A. I think --
23 Q. Would it help to look at the calendar we have been
24 looking at?
25 A. Sure. I hope.

1 Q. That's Exhibit B, I do have an extra copy.
2 A. Thank you.
3 Q. I think I saw parent-teacher conferences, but I am
4 not sure about that.
5 A. I would have to look. Yeah, that's what I thought
6 it would be, November.
7 Q. November?
8 A. Yes.
9 Q. What is the date, Mr. P [REDACTED]
10 A. The dates are Monday the 12th and Tuesday the
11 13th.
12 Q. You don't remember which day?
13 A. I honestly don't. I believe it might have been a
14 Tuesday. I usually take the second day of parent-teacher
15 conference.
16 Q. Is it fair to say you don't remember but --
17 A. Yeah, that's fair to say.
18 Q. -- that would be customary?
19 A. Customary for me to take the second day.
20 Q. Did you see all of her teachers on that day?
21 A. I believe so, yeah.
22 Q. When you have parent-teacher conferences, do you
23 see one teacher at a time?
24 A. Yes.
25 Q. Do you have any recollection of when you spoke

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1 with the teachers at that time of any of the teachers
2 bringing up a subject of R [REDACTED] having difficulty of any
3 kind with other students in school?
4 A. No.
5 Q. Are you able to say they did not bring up that
6 subject?
7 A. Yeah, I am able to say that. Yes. They said she
8 was a very nice kid.
9 Q. They didn't mention her having difficulties with
10 other kids?
11 A. Not at that point, no.
12 Q. I just want to make sure we have covered this. I
13 know what you just told me. Did they say anything about
14 Rachel being bullied or harassed or bothered by other
15 students during those parent-teacher conferences?
16 A. No.
17 Q. Had you, by the time the parent-teacher
18 conferences took place, received any information from anyone
19 that Rachel was being bullied, harassed or bothered by other
20 kids?
21 A. Not at that time, no.
22 Q. That would include R [REDACTED] didn't tell you that was
23 happening, right?
24 A. That would be correct.
25 Q. At any time prior to the parent-teacher conference

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Page 12